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Committee on Industry, Research and Energy

2011/0399(COD)

2.7.2012

AMENDMENTS 109 - 391

Draft report
Christian Ehler
(PE489.632v01-00)

on the proposal for a regulation of the European Parliament and of the Council
laying down the rules for the participation and dissemination in 'Horizon 2020
– the Framework Programme for Research and Innovation (2014-2020)

Proposal for a regulation
(COM(2011)0810 – C7-0465/2011 – 2011/0399(COD))

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United in diversity

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Amendment 109

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Horizon 2020 should be implemented with a view to contributing directly to creating industrial leadership, **growth** and employment in Europe and should reflect the strategic vision of the Commission Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region ‘Europe 2020 Flagship Initiative Innovation’ whereby the Commission engages to radically simplify access of participants.

Amendment

(2) Horizon 2020 should be implemented with a view to contributing directly to creating ***citizen's welfare, economic development, environmental sustainability***, industrial leadership, ***prosperity*** and employment in Europe and should reflect the strategic vision of the Commission Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region ‘Europe 2020 Flagship Initiative Innovation’ whereby the Commission engages to radically simplify access of participants.

Or. en

Amendment 110

Francisco Sosa Wagner

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Horizon 2020 should be implemented with a view to contributing directly to creating industrial leadership, growth and employment in Europe and should reflect the strategic vision of the Commission Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee

Amendment

(2) Horizon 2020 should be implemented with a view to contributing directly to ***improving public well-being, ensuring social, economic and environmental sustainability*** and creating industrial leadership, ***prosperity***, growth and employment in Europe and should reflect the strategic vision of the Commission

and the Committee of the Region "Europe 2020 Flagship Initiative Innovation" whereby the Commission engages to radically simplify access of participants.

Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region "Europe 2020 Flagship Initiative Innovation" whereby the Commission engages to radically simplify access of participants.

Or. es

Justification

This introduces a series of aims that should be met in implementing Horizon 2020 that are fully in accordance with the objectives of the Europe 2020 strategy.

Amendment 111

Marisa Matias

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Horizon 2020 should be implemented with a view to contributing directly to creating industrial leadership, growth and employment in Europe and should reflect the strategic vision of the Commission Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region 'Europe 2020 Flagship Initiative Innovation' whereby the Commission engages to radically simplify access of participants.

Amendment

(2) Horizon 2020 should be implemented with a view to contributing directly to creating ***citizens welfare, social, economic and ecological sustainability***, industrial leadership, growth and employment in Europe and should reflect the strategic vision of the Commission Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region 'Europe 2020 Flagship Initiative Innovation' whereby the Commission engages to radically simplify access of participants.

Or. en

Amendment 112

Kent Johansson, Fiona Hall, Cristian Silviu Buşoi, Jens Rohde

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Horizon 2020 should be implemented with a view to contributing directly to creating industrial leadership, growth and employment in Europe and should reflect the strategic vision of the Commission Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region ‘Europe 2020 Flagship Initiative Innovation’ whereby the Commission engages to radically simplify access of participants.

Amendment

(2) Horizon 2020 should be implemented with a view to contributing directly to creating industrial leadership, **sustainable** growth and employment in Europe and should reflect the strategic vision of the Commission Communication of 6 October 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region ‘Europe 2020 Flagship Initiative Innovation’ whereby the Commission engages to radically simplify access of participants.

Or. en

Amendment 113
Ioannis A. Tsoukalas

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Horizon 2020 should support the achievement and functioning of the European Research Area in which researchers, scientific knowledge and technology circulate freely, by strengthening cooperation between the Union and the Member States, notably through application of a coherent set of rules.

Amendment

(3) Horizon 2020 should support the achievement and functioning of the European Research Area in which researchers, scientific knowledge and technology circulate freely, by strengthening cooperation **both** between the Union and the Member States, **and among the Member States**, notably through application of a coherent set of rules.

Or. en

Amendment 114
Patrizia Toia

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Accessibility of patent applications, standards, publications or any other dissemination tools, also in electronic form, relating to project results funded by Horizon 2020 requires the provision of accessible formats for all. Accessible formats include, but are not limited to, large print, Braille, easy-to-read text, audio, video, and electronic format.

Or. en

Justification

Persons with disabilities should have equal access to patent applications, standards, publications or any other dissemination tools, also in electronic form, relating to project results funded by Horizon 2020, all the more so when it is about public funding

Amendment 115
Patrizia Toia

Proposal for a regulation
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Horizon 2020 should provide for funding to cover all the additional costs related to the participation of researchers and participants with disabilities in projects funded by Horizon 2020. All disability-related additional costs shall be eligible costs. Such costs include, but are not limited, to sign language interpretation, Braille format, live text transcription, including velotyping systems, provision of personal assistance and the use of accessible buildings for events.

Justification

In order to ensure that researchers and participants with disabilities are able to fully contribute to research projects funded under Horizon 2020, EU funding rules should allow for additional funding to cover all disability-related costs understood as reasonable accommodation in research policy and programmes.

Amendment 116

Norbert Glante

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In 2017 at the latest, the Commission should perform an interim evaluation of the participation rules with a view to the desired simplification of procedures and increased participation in the programmes. This should include an analysis of access to funding for participants from all regions and for SMEs and balanced participation by women and men, and the scope for further simplifications should be analysed. At the proposal of the Commission, the participation rules may if appropriate be adjusted by the legislature once during the period of application of Horizon 2020.

Or. de

Justification

The impact of the radical simplification approach in the participation rules requires continuous assessment, with the possibility of adjustment by the legislature.

Amendment 117

Andrzej Grzyb, Jerzy Buzek, Lena Kolarska-Bobińska, Jolanta Emilia Hibner, Bogdan

Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to ensure coherence with other Union funding programmes, Horizon 2020 should be implemented in accordance with Regulation (EU) No. XX/XX of the European Parliament and of the Council of [...] on the financial rules applicable to the annual budget of the Union, and the Delegated Commission Regulation (EU) No. X/X of [...] amending the detailed rules for the implementation of the Financial Regulation.

Amendment

(5) In order to ensure coherence with other Union funding programmes, Horizon 2020 should be implemented in accordance with Regulation (EU) No. XX/XX of the European Parliament and of the Council of [...] on the financial rules applicable to the annual budget of the Union, and the Delegated Commission Regulation (EU) No. X/X of [...] amending the detailed rules for the implementation of the Financial Regulation. ***However, flexibility to adopt specific rules taking into account the nature of the area of research and innovation should be ensured.***

Or. en

Amendment 118

Kent Johansson, Fiona Hall, Jens Rohde, Jürgen Creutzmann, Cristian Silviu Buşoi

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) An integrated approach should be ensured by bringing together activities covered by the Seventh Framework Programme for research, the Competitiveness and Innovation Framework Programme and the European Institute of Innovation and Technology (the EIT) to make participation easier, create a more coherent set of instruments and increase the scientific and economic impact while avoiding duplication and fragmentation. Common rules should apply in order to ensure a coherent framework which should facilitate the participation in

Amendment

(6) An integrated approach should be ensured by bringing together activities covered by the Seventh Framework Programme for research, the Competitiveness and Innovation Framework Programme and the European Institute of Innovation and Technology (the EIT) to make participation easier, create a more coherent set of instruments and increase the scientific and economic impact while avoiding duplication and fragmentation. Common rules should apply in order to ensure a coherent framework which should facilitate the participation in

programmes receiving Union financial contribution from the budget of Horizon 2020, including the participation in programmes managed by the EIT, joint undertakings or any other structures under Article 187 TFEU or participation in programmes undertaken by Member States pursuant to Article 185 TFEU. However, flexibility to adopt specific rules should be ensured when justified by the specific needs of the respective actions and with Commission consent.

programmes receiving Union financial contribution from the budget of Horizon 2020, including the participation in programmes managed by the EIT, joint undertakings or any other structures under Article 187 TFEU or participation in programmes undertaken by Member States pursuant to Article 185 TFEU. However, flexibility to adopt specific rules should be ensured ***in exceptional cases*** when ***explicitly*** justified by the specific needs of the respective actions and with Commission consent. ***This shall hold especially in order to boost opportunity-seizing activities in sectors with short research and innovation cycles, to ease the participation of SMEs and to simplify procedures for activities directly building on funded research results.***

Or. en

Justification

Important to keep some flexibility for justified cases in order not to make the rules too rigid. At the same time it is important to restrict the use only to exceptional cases.

Amendment 119 **Teresa Riera Madurell**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) An integrated approach should be ensured by bringing together activities covered by the Seventh Framework Programme for research, the Competitiveness and Innovation Framework Programme and the European Institute of Innovation and Technology (the EIT) to make participation easier, create a more coherent set of instruments and increase the scientific and economic impact

Amendment

(6) An integrated approach should be ensured by bringing together activities covered by the Seventh Framework Programme for research, the Competitiveness and Innovation Framework Programme and the European Institute of Innovation and Technology (the EIT) to make participation easier, create a more coherent set of instruments and increase the scientific and economic impact

while avoiding duplication and fragmentation. Common rules should apply in order to ensure a coherent framework which should facilitate the participation in programmes receiving Union financial contribution from the budget of Horizon 2020, including the participation in programmes managed by the EIT, joint undertakings or any other structures under Article 187 TFEU or participation in programmes undertaken by Member States pursuant to Article 185 TFEU. However, flexibility to adopt specific rules should be ensured when justified by the specific needs of the respective actions and with Commission consent.

while avoiding duplication and fragmentation. Common rules should apply in order to ensure a coherent framework which should facilitate the participation in programmes receiving Union financial contribution from the budget of Horizon 2020, including the participation in programmes managed by the EIT, joint undertakings or any other structures under Article 187 TFEU or participation in programmes undertaken by Member States pursuant to Article 185 TFEU. However, flexibility to adopt specific rules should be ensured when justified by the specific needs of the respective actions and with Commission consent, ***duly involving the EU legislative authority and the Member States.***

Or. en

Amendment 120
Romana Jordan

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Actions which fall within the scope of this Regulation should respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions should be in conformity with any legal obligation and with ethical principles, which include avoiding any kind of plagiarism.

Amendment

(7) Actions which fall within the scope of this Regulation should respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions should be in conformity with any legal obligation and with ethical principles, which include avoiding any kind of plagiarism. ***Research activities should also take into account Article 13 TFEU and reduce the use of animals in research and testing, with a view ultimately to replacing animal use.***

Or. sl

Amendment 121

Britta Thomsen

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Actions which fall within the scope of this Regulation should respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions should be in conformity with any legal obligation **and** with ethical principles, which include avoiding any kind of plagiarism.

Amendment

(7) Actions which fall within the scope of this Regulation should respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions should be in conformity with any legal obligation, with ethical principles **as well as principles of research integrity**, which include avoiding any kind of **fabrication of data and** plagiarism.

Or. en

Amendment 122

Konrad Szymański

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Actions which fall within the scope of this Regulation **should** respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions **should** be in conformity with any legal obligation and with ethical principles, which include avoiding any kind of plagiarism.

Amendment

(7) Actions which fall within the scope of this Regulation **shall** respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions **shall** be in conformity with any legal obligation and with ethical principles, which include avoiding any kind of plagiarism.

Or. en

Justification

The use of the word “should” is not sufficient considering the importance of the provision, as

the expression just refers to an opportunity, while an obligation must be clearly stated.

Amendment 123

Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Actions which fall within the scope of this Regulation ***should*** respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions should be in conformity with any legal obligation and with ethical principles, which include avoiding any kind of plagiarism.

Amendment

(7) Actions which fall within the scope of this Regulation ***shall*** respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions should be in conformity with any legal obligation and with ethical principles, which include avoiding any kind of plagiarism.

Or. en

Amendment 124

Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) It is necessary to note the importance of a reinforced gender perspective in the design, implementation and delivery of Horizon 2020.

Or. en

Amendment 125

Marita Ulvskog

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In line with the objectives of international cooperation as set out in Articles 180 and 186 TFEU, the participation of legal entities established in third countries and of international organisations should be promoted. The implementation of these rules should be in conformity with the measures adopted in accordance with Articles 75 and 215 TFEU and be in compliance with international law. Moreover, the implementation of these rules should duly take into account conditions for the participation of Union entities in third countries' programmes.

Amendment

(8) In line with the objectives of international cooperation as set out in Articles 180 and 186 TFEU, the participation of legal entities established in third countries and of international organisations should be promoted. The implementation of these rules should be in conformity with the measures adopted in accordance with Articles 75 and 215 TFEU and be in compliance with international law. Moreover, the implementation of these rules should duly take into account conditions for the participation of Union entities in third countries' programmes. ***By means of ensuring that funding dispersed under Horizon 2020 does not contradict core EU values, and to encourage coherence with EU foreign and development policy, specific rules are laid down applicable to third countries with reasonably grounded suspicions of human rights violations, involvement in armed conflicts or territorial conflicts.***

Or. en

Amendment 126
Christian Ehler

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In line with the objectives of international cooperation as set out in Articles 180 and 186 TFEU, the participation of legal entities established in third countries and of international organisations should be promoted. The implementation of these rules should be in conformity with the measures adopted in accordance with Articles 75 and 215 TFEU

Amendment

(8) In line with the objectives of international cooperation as set out in Articles 180 and 186 TFEU, the participation of legal entities established in third countries and of international organisations should be promoted. The implementation of these rules should be in conformity with the measures adopted in accordance with Articles 75 and 215 TFEU

and be in compliance with international law. Moreover, the implementation of these rules should duly take into account conditions for the participation of Union entities in third countries' programmes.

and be in compliance with international law. Moreover, the implementation of these rules should duly take into account conditions for the participation of Union entities in third countries' programmes, *as well as take into consideration the conditions arising from the legal frameworks of the participating third countries and international organisations.*

Or. en

Amendment 127
Teresa Riera Madurell

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In line with the objectives of international cooperation as set out in Articles 180 and 186 TFEU, the participation of legal entities established in third countries and of international organisations should be promoted. The implementation of these rules should be in conformity with the measures adopted in accordance with Articles 75 and 215 TFEU and be in compliance with international law. Moreover, the implementation of these rules should duly take into account conditions for the participation of Union entities in third countries' programmes.

Amendment

(8) In line with the objectives of international cooperation as set out in Articles 180 and 186 TFEU, the participation of legal entities established in third countries and of international organisations should be promoted. The implementation of these rules should be in conformity with the measures adopted in accordance with Articles 75 and 215 TFEU and be in compliance with international law. Moreover, the implementation of these rules should duly take into account conditions for the participation of Union entities in third countries' programmes, *based on the principle of reciprocity.*

Or. en

Amendment 128
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Rules should be defined for the establishment of public-private partnerships. The Commission will not establish any further joint undertakings under Article 187 TFEU while the establishment of public-private partnerships should be exceptional, and justified by the demonstration that no other type of financing mechanisms can deliver the same objectives.

Or. en

Amendment 129

Claudio Morganti, Oreste Rossi, Fiorello Provera

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, through simplified procedures. The financial assistance from the Union could be provided through different forms.

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises ***and Civil Society Organisations, in particular organisations of persons with disabilities,*** through simplified procedures. The financial assistance from the Union could be provided through different forms.

Or. en

Amendment 130

Petru Constantin Luhan

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, through simplified procedures. The financial assistance from the Union could be provided through different forms.

Amendment

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, ***Civil Society Organisations, also including organisations of persons with disabilities,*** through simplified procedures. The financial assistance from the Union could be provided through different forms.

Or. en

Amendment 131

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, through simplified procedures. The financial assistance from the Union could be provided through different forms.

Amendment

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, through simplified procedures. The financial assistance from the Union could be provided through different forms, ***but always with the aim of having the largest possible leverage effect.***

Or. en

Amendment 132

Ioannis A. Tsoukalas

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, through simplified procedures. The financial assistance from the Union could be provided through different forms.

Amendment

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises **and Civil Society Organisations**, through simplified procedures. The financial assistance from the Union could be provided through different forms.

Or. en

Amendment 133
Patrizia Toia

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, through simplified procedures. The financial assistance from the Union could be provided through different forms.

Amendment

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises **and Civil Society Organisations** through simplified procedures. The financial assistance from the Union could be provided through different forms.

Or. en

Amendment 134
Alyn Smith

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) These rules for the participation and dissemination should also take into account the specific funding needs for SMEs and Small Midcaps, in order to release their full research and innovation potential, with due regard to the specificities of different types of SMEs and different sectors. The rules of participation should in due manner facilitate the shortening of "time-to-grant" to a maximum of six months.

Time to grant should be reduced, especially taking into account SME involvement. However, as already seen in the Seventh Framework Programme an attempt at this has created problems as the Commission has decided to do so during project negotiations resulting in hasty decision making especially regarding the consortium agreement with parties having compromise where in the past there was more time for open discussions amongst all concerned. Putting a maximum limit is therefore too restricting.

Or. en

Amendment 135
Teresa Riera Madurell

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Given the different nature and specific needs of the different participants among the research community, the rules for participation should establish simplified funding rates while maintaining the current differentiation

between universities/research centres, industry, non-profit organisations and SMEs, as clearly stated in paragraph 17 of the European Parliament resolution of 11 November 2010 on simplifying the implementation of the Research Framework Programmes¹. In case actual indirect costs are used, they should be based on national legislations and participant's usual cost accounting practices.

¹ OJ C 74 E, 13.3.2012, p. 34

Or. en

Amendment 136
Francesco De Angelis

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) These participation and dissemination rules should also take into account the specific funding needs of SMEs and small mid-caps, in order to release their full research and innovation potential, with due regard for the specificities of the different types of SME and the different sectors. The participation rules should duly facilitate the shortening of the ‘time to grant’ to no more than six months.

Or. it

Justification

Administrative procedures for SMEs need to be simplified, with the necessary flexibility being built into the rules to take account of their specificities.

Amendment 137
Francisco Sosa Wagner

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) Access to patent applications, standards, publications or any other means of dissemination, including electronic format, relating to the results of Horizon 2020-funded research, shall be provided in formats accessible to all, including large print, Braille, easily readable text, audio, video and electronic format.

Or. es

Justification

People with disabilities must be provided access on equal terms to patent applications, standards, publications or any other means of dissemination, including electronic format, relating to the results of research funded Horizon 2020, especially when this information has been produced using public funds.

Amendment 138
Claudio Morganti, Oreste Rossi, Fiorello Provera

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Accessibility of patent applications, standards, publications or any other dissemination tools, also in electronic form, relating to project results funded by Horizon 2020 requires the provision of accessible formats for all. Accessible formats include, but are not limited to, large print, Braille, easy-to-read text, audio, video, and electronic format.

Amendment 139
Petru Constantin Luhan

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Horizon 2020 should provide for funding to cover all the additional costs related to the participation of researchers and participants with disabilities in projects funded by Horizon 2020.

Or. en

Amendment 140
Norbert Glante

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) In general, the period between the deadline for the submission of project proposals and the conclusion of the grant agreement (time to grant) should not exceed six months. The Commission should set appropriate time limits for the submission of documents by the consortium.

Or. de

Justification

The reduction of the time to grant is regarded by many participants – and particularly by innovative undertakings – as one of the main reasons for participating in European research projects. However, the Commission should not unreasonably shift the pressure of time onto participants by setting unrealistic time limits for the submission of documents, failure to

comply with which can result in abandonment of the procedure.

Amendment 141

Norbert Glante

Proposal for a regulation

Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) The Commission should continue its efforts to simplify the procedures in ways made possible by the improvement of IT systems, such as the further expansion of the portal for participants as the single entry point from the publication of the calls for project proposals, followed by their submission, until implementation, for all programmes, with the aim of establishing a one-stop shop.

Or. de

Justification

A user-friendly, self-explanatory website for all participants and all stages in the whole process can make an essential contribution to the simplification of participation in the programme, thus indirectly making European research funding more attractive.

Amendment 142

Norbert Glante

Proposal for a regulation

Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) Synergies between the Structural Funds and Horizon 2020 should be used more than hitherto to attain the objective of spreading excellence and expanding participation. This should be done in particular by linking up-and-coming centres of excellence located in less

innovative, less well-performing Member States and regions with European research partners which are world leaders.

Or. de

Justification

Experience of promoting centres of excellence in Central and Eastern European countries – which at the time were associated countries – under FP5 should be put to use in bridge-building measures.

Amendment 143
Francisco Sosa Wagner

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) It would be wise progressively to introduce minimum conditions for participation obliging the Member States in which the legal entities are based to invest a minimum percentage of their GDP in RDI; this requirement will help strike a fair balance between states and encourage the legal entities to conduct cutting-edge research and aim for excellence.

Or. es

Justification

This amendment aims to add the medium-term requirement that Member States make a minimum investment in RDI, to the rules for participation in Horizon 2020 projects, thereby fostering a uniform level of excellence among Member States.

Amendment 144
Teresa Riera Madurell

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules **and have a higher flexibility in the project implementation**, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates **and** scale of unit costs. **For simplification purposes, a single reimbursement rate should be applied for each type of action with no differentiation according to the type of participant.**

Amendment

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates, scale of unit costs **as well as the option to declare costs actually incurred for non-profit legal entities with analytical accounting and detailed costs allocation systems.**

Or. en

Amendment 145
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules and have a higher flexibility in the project implementation, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates and scale of unit costs. **For simplification purposes, a single reimbursement rate should be applied for each type of action with no differentiation according to the type of participant.**

Amendment

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules and have a higher flexibility in the project implementation, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates and scale of unit costs.

Amendment 146
Kent Johansson, Fiona Hall

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules and have a higher flexibility in the project implementation, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates and scale of unit costs. For simplification purposes, a single reimbursement rate should be applied ***for each type of action with no differentiation according to the type of participant.***

Amendment

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules and have a higher flexibility in the project implementation, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates and scale of unit costs. For simplification purposes, a single reimbursement rate should be applied, ***regardless of the activity. However, there should be a differentiation between universities, research organisations, research institutes and SMEs on the one hand, and industry on the other.***

Amendment 147
Paul Rübzig

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules and have a higher flexibility in the project

Amendment

(12) It is appropriate to establish the terms and conditions for providing Union funding for participants in actions under Horizon 2020. In order to reduce the complexity of the existing funding rules and have a higher flexibility in the project

implementation, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates and scale of unit costs. For simplification purposes, a single reimbursement rate should be applied **for each type of action** with no differentiation according to the type of participant.

implementation, a simplified cost reimbursement system should be adopted with enhanced use of lump sums, flat rates and scale of unit costs. For simplification purposes, a single reimbursement rate **including a full-cost option** should be applied with no differentiation according to the type of participant.

Or. en

Justification

According to the Commission's proposal as well as previously and following amendments in a light of simplification to boost industries participation a single funding rate without differentiation according to the type of participant combined with the full-cost option needs to be introduced and mentioned in the recitals.

Amendment 148

Claudio Morganti, Oreste Rossi, Fiorello Provera

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Horizon 2020 should provide for funding to cover all the additional costs related to the participation of researchers and participants with disabilities in projects funded by Horizon 2020. All disability-related additional costs shall be eligible costs. Such costs include, but are not limited, to sign language interpretation, Braille format, live text transcription, including velotyping systems, provision of personal assistance and the use of accessible buildings for events.

Or. en

Amendment 149

Kent Johansson, Fiona Hall, Cristian Silviu Buşoi, Jürgen Creutzmann, Jens Rohde

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The cost models used shall achieve a real simplification for participants and increased participation for all beneficiaries compared to FP7. This shall be achieved through the use of simplified audit procedures, a broader acceptance of the usual accounting practices of the beneficiaries, the use of a flat rate option, adherence to the rules on state aid and by attracting co-financing from structural funds related to capacity building activities;

Or. en

Amendment 150

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The Commission should take into consideration that the application of the co-financing principle may be harmful to those Member States whose public expenditure is subject to large restrictions. Their leading research centres, universities and undertakings should be supported at Union's level.

Or. en

Amendment 151

Francisco Sosa Wagner

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) Funding and oversight of research in the social sciences, the law and the humanities should be subject to special conditions and preferably be orientated towards disseminating the results achieved rather than other stages of the process.

Or. es

Justification

This amendment aims to reflect the specific nature of research in these fields in relation to aspects of funding, stressing the importance of disseminating results, in the form of publishing, translation and holding seminars, meetings and congresses and the related costs.

Amendment 152
Peter Skinner

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) Specific challenges in the area of research and innovation should be addressed through new forms of funding such as prizes, pre-commercial procurement and public procurement of innovative solutions which require specific rules.

(13) Specific challenges in the area of research and innovation should be addressed through new forms of funding such as prizes, pre-commercial procurement and public procurement of innovative solutions which require specific rules. ***It is appropriate to use different forms of funding, and where appropriate, combine different types of funding bodies. In particular, the financial instruments should be used in a complementary manner in cases where they help to leverage yet further private investment in research and innovation, including venture capital investments for innovative***

companies and in particular SMEs, and where the pursued results cannot be effectively achieved by grants, and where actions primarily consist of close-to-market activities. SMEs using instruments such as venture capital shall not be subject to undue delays or added barriers to further funding

Or. en

Justification

The financial instruments aim at triggering and facilitating private investment in innovation. A combination with close-to-market activities should be strengthened and highlighted throughout the rules for participation, including through a dedicated article in the "specific provisions" laying down the general conditions for the use of the financial instruments.

Amendment 153

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Specific challenges in the area of research and innovation should be addressed through new forms of funding such as prizes, pre-commercial procurement and public procurement of innovative solutions which require specific rules.

Amendment

(13) Specific challenges in the area of research and innovation should be addressed through new forms of funding such as prizes, pre-commercial procurement and public procurement of innovative solutions ***foreseen in the Regulation(EU) No XX/XX [Financial Regulation]*** which require specific rules ***to be provided in the sector-specific regulations.***

Or. en

Amendment 154

Ioannis A. Tsoukalas

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) It is appropriate to use different forms of funding, and where appropriate, combine different types of funding bodies. In particular, the financial instruments should be used in a complementary manner in cases where they help to leverage yet further private investment in research and innovation, including national and structural funds, as well as venture capital investments, for innovative companies and in particular SMEs, and where the pursued results cannot be effectively achieved by grants, and where actions primarily consist of close-to-market activities.

Or. en

Amendment 155
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) In order to maintain a level playing field for all undertakings active in the internal market, funding provided by Horizon 2020 should be designed in accordance with State aid rules so as to ensure the effectiveness of public spending and prevent market distortions such as crowding-out of private funding, creating ineffective market structures or preserving inefficient firms.

(14) In order to maintain a level playing field for all undertakings active in the internal market, funding provided by Horizon 2020 should be designed in accordance with State aid rules so as to ensure the effectiveness of public spending and prevent market distortions such as crowding-out of private funding, creating ineffective market structures or preserving inefficient firms. ***In particular, the establishment of public-private partnerships should be subject to conditions that ensure that an effective competitive environment is maintained***

and that ensures opportunities for new entrants to join in at any stage.

Or. en

Amendment 156
Ioannis A. Tsoukalas

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle.

Amendment

(15) ***Open Accessibility of all patent applications, standards, scientific publications or any other dissemination tools relating to project results funded by Horizon 2020 requires the set up of digital central repositories and the use of open digital formats.*** The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle.

Or. en

Amendment 157
Christian Ehler, Paul Rübig, Maria Ad Grace Carvel, Kent Johansson

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In accordance with Regulation (EU) No XX/XX [Financial Regulation], these rules for the participation and dissemination should provide the basis for a wider acceptance of the usual accounting practices of the beneficiaries and to accept beneficiaries' own accounting practices in establishing eligible costs. For this purpose, the requirements of audit certificates,

including the certificates on methodology, should be adapted appropriately. The Commission should establish to the greatest possible extent a single audit approach, leaving sufficient flexibility for the acknowledgement of common accounting practices, with due regard to nationally accepted accounting practices.

Or. en

Justification

See paragraph 14 of Carvel report.

Amendment 158

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The participant Guarantee Fund set up under Regulation No 1906/2006/EC of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and *universities* in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) and managed by the Commission has proved to be an important safeguard mechanism which mitigates the risks associated to the amounts due and not reimbursed by defaulting participants. Therefore, a new participant Guarantee Fund (the Fund) should be established. In order to ensure a more efficient management and a better coverage of participants' risk, the Fund should cover actions under the programme set up under Decision No 1982/2006/EC, under the programme set up by Council Decision of

Amendment

(16) The participant Guarantee Fund set up under Regulation No 1906/2006/EC of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres, universities and *civil society organisations* in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) and managed by the Commission has proved to be an important safeguard mechanism which mitigates the risks associated to the amounts due and not reimbursed by defaulting participants. Therefore, a new participant Guarantee Fund (the Fund) should be established. In order to ensure a more efficient management and a better coverage of participants' risk, the Fund should cover actions under the programme set up under Decision No 1982/2006/EC, under the

18 December 2006 concerning the Seventh Framework Programme of the European Atomic Energy Community (Erratum) for nuclear research and training activities (2007 to 2011), under the programme set up by Council Decision [...] of X 2011 establishing the Framework Programme of the European Atomic Energy Community (2012-2013) as well as actions under Regulation (EU) No XX/XX [Horizon 2020] and Regulation (Euratom) No XX/XX of the Council on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020- the Framework Programme for Research and Innovation [Euratom H2020]. Programmes managed by entities other than Union bodies should not be covered by the Fund.

programme set up by Council Decision of 18 December 2006 concerning the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007 to 2011), under the programme set up by Council Decision [...] of X 2011 establishing the Framework Programme of the European Atomic Energy Community (2012-2013) as well as actions under Regulation (EU) No XX/XX [Horizon 2020] and Regulation (Euratom) No XX/XX of the Council on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020- the Framework Programme for Research and Innovation [Euratom H2020]. Programmes managed by entities other than Union bodies should not be covered by the Fund.

Or. en

Amendment 159
Marisa Matias

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The participant Guarantee Fund set up under Regulation No 1906/2006/EC of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) and managed by the Commission has proved to be an important safeguard mechanism which mitigates the risks associated to the amounts due and not reimbursed by defaulting participants. Therefore, a new participant Guarantee Fund (the Fund) should be established. In

Amendment

(16) The participant Guarantee Fund set up under Regulation No 1906/2006/EC of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres, universities and ***civil society organisations or institutions*** in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) and managed by the Commission has proved to be an important safeguard mechanism which mitigates the risks associated to the amounts due and not reimbursed by defaulting participants. Therefore, a new

order to ensure a more efficient management and a better coverage of participants' risk, the Fund should cover actions under the programme set up under Decision No 1982/2006/EC, under the programme set up by Council Decision of 18 December 2006 concerning the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007 to 2011), under the programme set up by Council Decision [...] of X 2011 establishing the Framework Programme of the European Atomic Energy Community (2012-2013) as well as actions under Regulation (EU) No XX/XX [Horizon 2020] and Regulation (Euratom) No XX/XX of the Council on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020- the Framework Programme for Research and Innovation [Euratom H2020]. Programmes managed by entities other than Union bodies should not be covered by the Fund.

participant Guarantee Fund (the Fund) should be established. In order to ensure a more efficient management and a better coverage of participants' risk, the Fund should cover actions under the programme set up under Decision No 1982/2006/EC, under the programme set up by Council Decision of 18 December 2006 concerning the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007 to 2011), under the programme set up by Council Decision [...] of X 2011 establishing the Framework Programme of the European Atomic Energy Community (2012-2013) as well as actions under Regulation (EU) No XX/XX [Horizon 2020] and Regulation (Euratom) No XX/XX of the Council on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020- the Framework Programme for Research and Innovation [Euratom H2020]. Programmes managed by entities other than Union bodies should not be covered by the Fund.

Or. en

Amendment 160
Adam Gierek

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) An EU databank should be established, in cooperation with national centres for the management of scientific research, covering the scientific disciplines and including the names of experts in those fields.

Or. pl

Justification

Experts, especially if they harmoniously represent all of the Member States, guarantee impartiality in the decision-making process.

Amendment 161

Adam Gierek

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In order to enhance transparency, the names of experts that ***have assisted*** the Commission or relevant funding bodies in application of this Regulation should be published. Where the publication of the name would endanger the security or integrity of the expert or would unduly prejudice his or her privacy, the Commission or funding bodies should be able to refrain from the publication of such names.

Amendment

(17) In order to enhance transparency, the names of experts that ***will assist*** the Commission or relevant funding bodies in the application of this Regulation ***by evaluating proposed projects on the basis of an accepted assessment scale*** should be published. ***The evaluations should be made available to the coordinator of the research team.*** Where the publication of the name would endanger the security or integrity of the expert or would unduly prejudice his or her privacy, the Commission or funding bodies should be able to refrain from the publication of such names.

Or. pl

Justification

A uniform assessment scale should be used when evaluating projects, as this will guarantee the transparency of applications. Furthermore, scientific grants, and subsequently the opinion in its entirety, should be made available to the coordinator of the research team, without necessarily revealing the name of the evaluation's author.

Amendment 162

Francisco Sosa Wagner

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In order to enhance transparency, the names of experts that have assisted the Commission or relevant funding bodies in application of this Regulation should be published. Where the publication of the name would endanger the security or integrity of the expert or would unduly prejudice his or her privacy, the Commission or funding bodies should **be able to** refrain from the publication of such names.

Amendment

(17) In order to enhance transparency, the names of experts that have assisted the Commission or relevant funding bodies in application of this Regulation should be published. Where the publication of the name would endanger the security or integrity of the expert or would unduly prejudice his or her privacy, **in exceptional cases**, the Commission or funding bodies **may** refrain from the publication of such names.

Or. es

Justification

This amendment aims to encourage transparency by only allowing the names of experts to be withheld in exceptional cases.

Amendment 163

Ioannis A. Tsoukalas

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest.

Amendment

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation **and open access or other dissemination** conditions in the European strategic **or public** interest. **It is necessary to place more emphasis on the widest possible use and dissemination of knowledge generated by the supported activities, including knowledge generated in the previous framework programmes, up to the commercial or societal exploitation of**

such knowledge.

Or. en

Justification

The Horizon 2020 rules of participation should foresee that knowledge generated through EU funded research (such as research results, methods, artefacts, scientific data etc) should be made publicly accessible and widely disseminated (without prejudice to legitimate intellectual property claims by the creators of this knowledge), ensuring the greater public good through knowledge and innovation uptake by EU citizens, companies and SMEs and social and economic growth for the EU.

Amendment 164

Vicky Ford, Christian Ehler

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest.

Amendment

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest. ***It is necessary to place more emphasis on the widest possible use and dissemination of knowledge generated by the supported activities whilst recognising the importance of protecting intellectual property.***

Or. en

Amendment 165

Kent Johansson, Fiona Hall, Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest.

Amendment

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation, ***dissemination or licensing*** conditions in the European strategic interest, ***or where a predominant public interest exists, and shall be in full compliance with intellectual property rights.***

Or. en

Amendment 166

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular ***the possibility of*** additional exploitation conditions in the European strategic interest.

Amendment

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular ***rules for open access to results and data or additional dissemination, exploitation or licensing*** conditions in the European strategic ***or public*** interest.

Or. en

Amendment 167

Cristina Gutiérrez-Cortines

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest.

Amendment

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation, ***dissemination or licensing*** conditions in the European strategic interest, ***or where a predominant public interest exists.***

Or. en

Justification

The goal of this amendment is to maximise the societal benefit of EU-funded research. In the case of major societal challenges such as health, there is a predominant public interest in the swift and broad dissemination of results and in universal accessibility to the products of frontier research.

Amendment 168
Marisa Matias

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest.

Amendment

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation, ***dissemination or licensing*** conditions in the European strategic interest, ***or where a predominant public interest exists.***

Or. en

Amendment 169
Francisco Sosa Wagner

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest.

Amendment

(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional ***open access, dissemination or*** exploitation conditions in the European strategic interest.

Or. es

Justification

The expertise developed by EU-funded research must be more accessible, which would make it more likely for such research to benefit the public, and not remain private and confidential.

Amendment 170
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) All research and innovation builds on the capacity of scientists, research institutions, businesses and citizens to openly access share and use scientific information. To increase the circulation and exploitation of knowledge, free open online access to scientific publications, already embraced in the Seventh Framework Programme, should be the general principle for scientific publications which receive public funding from Horizon 2020. Furthermore,

Horizon 2020 should initiate the practice of open access to scientific data produced or collected by publicly funded research aiming at open access to such data becoming the general rule by 2020.

Or. en

Amendment 171
Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In order to enhance transparency, steps shall be taken by the Commission or relevant funding body to disclose, upon request from EU citizens or their directly elected representatives, the details of projects undertaken under this programme.

Or. en

Amendment 172
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) Additional exploitation and dissemination conditions should be laid down for results concerning technologies with potential for tackling major societal challenges, for example the development into a novel medical technology (e.g. drug, diagnostic or vaccine) or technologies for fighting climate change.

Amendment 173

Kent Johansson, Fiona Hall, Jürgen Creutzmann, Jens Rohde

Proposal for a regulation

Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) All research and innovation builds on the capacity of scientists, research institutions, businesses and citizens to openly access share and use scientific information. However, intellectual property rights must be respected.

Amendment 174

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 19 c (new)

Text proposed by the Commission

Amendment

(19c) In the process of selection of proposals, the criterion of impact should include the potential extent of dissemination and public availability of research results and data, assigning priority to projects potentially entailing a wider dissemination and exploitation of results.

Amendment 175

Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 19 d (new)

Text proposed by the Commission

Amendment

(19d) The setting up of patent pools should be encouraged in order to allow the sharing of patented scientific data and increase collaborative efforts and R&D cooperation on specific technological needs. This mechanism would be particularly suitable for technologies that are both complex and expensive allowing the avoidance of the blocking of research due to patent thicket situations.

Or. en

Amendment 176
Peter Skinner

Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Programmes aimed at increasing both current and planned innovative research should be opened up to allow nuclear research as part of their list of applicable research categories. The Eureka Eurostars Programme and the Marie Curie Actions should widen their rules of participation to allow SMEs involved in nuclear research to participate.

Or. en

Justification

SMEs are vital to Europe's economy but are often under-represented when it comes to nuclear research. It is important that certain Union programmes designed to improve the situation of SMEs do not exclude those involved in nuclear research.

Amendment 177
Teresa Riera Madurell

Proposal for a regulation
Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This Regulation also lays down the rules governing the dissemination of results.

Amendment

This Regulation also lays down the rules governing the ***exploitation and*** dissemination of results.

Or. en

Amendment 178
Francesco De Angelis

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. ***A funding body*** may establish rules which depart from those laid down in this Regulation or Regulation (EU) No XX/2012 [the Financial Regulation] if this is provided for in the basic act or, subject to the consent of the Commission, if its specific operating needs so require.

Amendment

3. ***The EIT*** may establish rules which depart from those laid down in this Regulation or Regulation (EU) No XX/2012 [the Financial Regulation] if this is provided for in the basic act or, subject to the consent of the Commission, if its specific operating needs so require, ***in particular in relation to ownership, access rights and exploitation and dissemination of results.***

Or. it

Justification

The EIT needs to have a degree of independence in the management of matters coming within its sphere of competence and in relation to intellectual property issues and the exploitation and dissemination of results.

Amendment 179
Norbert Glante

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. *A funding body* may establish rules which depart from those laid down in this Regulation or Regulation (EU) No XX/2012 [the Financial Regulation] if this is provided for in the basic act or, subject to the consent of the Commission, if its specific operating needs so require.

Amendment

3. ***The EIT*** may establish rules which depart from those laid down in this Regulation or Regulation (EU) No XX/2012 [the Financial Regulation] if this is provided for in the basic act or, subject to the consent of the Commission, if its specific operating needs so require.

Or. de

Justification

One of the principal desiderata in connection with simplification was – inter alia as an outcome of the relevant consultation procedure – that the validity of uniform participation rules in all programme lines financed or cofinanced by Horizon 2020 should be ensured. This applies in particular to the transparency and openness of procedures and to provisions concerning protective rights and financing conditions. With the sole exception explicitly indicated here, this desideratum is taken into account.

Amendment 180
Marian-Jean Marinescu, Antonio Cancian, Jean-Pierre Audy

Proposal for a regulation
Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'action' means project;

Or. en

Amendment 181
Angelika Niebler

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to ***the action*** and (ii) ***identified by the participants in accordance with Article 42***;

Amendment

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to ***a grant agreement or*** (ii) ***generated outside the action and contributed to the action by the participant holding the rights and which (iii) in both cases (i) and (ii) are necessary in order to implement the action or use the results of the action***;

Or. de

Justification

Horizon 2020 should not deviate from FP7 as regards the definition of the existing knowledge and protective rights.

Amendment 182
Vicky Ford

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) identified by the participants in accordance with Article 42;

Amendment

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action ***or prior to the application which has been filed before their accession to the action*** and (ii) identified by the participants in accordance with Article 42 ***and (iii) which is needed for carrying out the indirect action or for using the results of the indirect action***;

Justification

These changes have been suggested by DESCA coordinators.

Amendment 183
Jean-Pierre Audy

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) identified by the participants in accordance with Article 42;

Amendment

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action ***or the application for which has been filed before their accession to the action,*** and (ii) identified by the participants in accordance with Article 42; ***and (iii) and which is needed for carrying out the indirect action or for using the results of the indirect action;***

Amendment 184
Norbert Glante

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) identified by the

Amendment

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) ***necessary in order to implement the indirect action or use the***

participants in accordance with Article 42;

results of the indirect action and (iii)
identified by the participants in accordance
with Article 42;

Or. de

Justification

The criterion inserted has proved necessary during the current FP.

Amendment 185

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) identified by the participants in accordance with Article 42;

Amendment

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) identified by the participants in accordance with Article 42, ***which is needed for carrying out the indirect action or for using the results of the indirect action;***

Or. en

Amendment 186

Christian Ehler

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i)

Amendment

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i)

held by participants prior to their accession to the action **and** (ii) identified by the participants in accordance with Article 42;

held by participants prior to their accession to the action, (ii) ***needed for carrying out the indirect action or for using the results of the indirect action, and (iii)*** identified by the participants in accordance with Article 42;

Or. en

Amendment 187
Teresa Riera Madurell

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'background' means any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) identified by the participants in accordance with Article 42;

Amendment

(4) 'background' means ***tangible resource such as prototypes, as well as*** any data, know-how and/or information whatever their form or nature as well as any rights such as intellectual property rights which are (i) held by participants prior to their accession to the action and (ii) identified by the participants in accordance with Article 42;

Or. en

Amendment 188
Vicky Ford

Proposal for a regulation
Article 2 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) 'needed access' means:
(a) in the context of the implementation of the action
the access is needed if, without the grant of access rights, carrying out the tasks assigned to the recipient Party would be

impossible, significantly delayed, or require significant additional financial or human resources.

(b) in the context of the use of own results:

access is needed if, without the grant of such access rights, the use of own results would be technically or legally impossible.

Or. en

Justification

These changes have been suggested by DESCA coordinators.

Amendment 189

Christian Ehler, Paul Rübig

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) 'experimental development' means the acquiring, combining, shaping and using of existing scientific, technological, business and other relevant knowledge and skills for the purpose of producing plans and arrangements or designs for new, altered or improved products, processes or services, including activities such as prototyping, experimental production, testing, demonstrating, piloting, and market replication;

Or. en

Justification

Given that a difference in funding shall be established here, this difference should be based on a coherent definition that draws on an acknowledged concept of distinguishing research activities from activities closer to the market. The definition of 'experimental development' laid down in the current 'Community Framework for State Aid for Research and Development and Innovation' (2006/C 323/01) seems to be the most appropriate.

Amendment 190
Jean-Pierre Audy

Proposal for a regulation
Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) 'call for proposals' means an announcement inviting proposals for research.

Or. en

Amendment 191
Jean-Pierre Audy

Proposal for a regulation
Article 2 – paragraph 1 – point 5 b (new)

Text proposed by the Commission

Amendment

(5b) 'needed access' means: in the context of the implementation of the action the access is needed if, without the grant of access rights to results or background, carrying out the tasks assigned to the recipient participant would be impossible, significantly delayed, or require significant additional financial or human resources; in the context of exploitation of results the access is needed if, without the grant of access rights to results or background, the exploitation of results would be technically or legally impossible.

Or. en

Justification

'Needed': this term must be defined, since it is the need for results and/or background that provides the justification for requests from participants for access rights.

Amendment 192
Jean-Pierre Audy

Proposal for a regulation
Article 2 – paragraph 1 – point 5 c (new)

Text proposed by the Commission

Amendment

(5c) 'consortium' means group of participants who agree to work together to submit a proposal and potentially work in an action. A consortium is made up of a coordinator and action partners.

Or. en

Amendment 193
Britta Thomsen

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

(6) 'coordination and support action' means an action consisting primarily of accompanying measures such as dissemination, awareness raising and communication, networking, coordination or support services, policy dialogues and mutual learning exercises and studies, including design studies for new infrastructure;

(6) 'coordination and support action' means an action consisting primarily of accompanying measures such as dissemination, awareness raising and communication, networking, coordination or support services, ***participation in standardization activities***, policy dialogues and mutual learning exercises and studies, including design studies for new infrastructure;

Or. en

Justification

Participants should be encouraged to bring research results into the standardization activities and vice versa. Standardization plays an import role in the dissemination of research results.

Amendment 194
Jean-Pierre Audy

Proposal for a regulation
Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) 'coordinator' leads and represents the consortium and the proposal/project, acting as the point of contact to the Commission.

Or. en

Amendment 195
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by publishing in any medium;

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by publishing, in any medium, ***articles presenting the result of research such as scientific publications in peer-reviewed journals;***

Or. en

Justification

The publication of the results of research is an essential part of the scientific method. If they are describing experiments or calculations, they must supply enough details that an independent researcher could repeat the experiment or calculation to verify the results.

Amendment 196
Ioannis A. Tsoukalas

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by ***publishing*** in any medium;

Amendment

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by ***a published work*** in any medium ***in any medium***;

Or. en

Justification

The terms “describe, analyse and interpret research” at any rate limits the concept and content of a publication. The definition ‘published work’ is more inclusive of other potential forms of publications and does not unnecessarily limit the scope.

Amendment 197
Christian Ehler

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by ***publishing*** in any medium;

Amendment

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by ***publications*** in any medium;

Or. en

Amendment 198
Vicky Ford, Lambert van Nistelrooij

Proposal for a regulation
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) 'experimental development' means the acquiring, combining, shaping and using of existing scientific, technological, business and other relevant knowledge and skills for the purpose of producing plans and arrangements or designs for new, altered or improved products, processes or services. These may also include, for example, other activities aiming at the conceptual definition, planning and documentation of new products, processes and services. The activities may comprise producing drafts, drawings, plans and other documentation, provided that they are not intended for commercial use. The development of commercially usable prototypes and pilot projects is also included where the prototype is necessarily the final commercial product and where it is too expensive to produce for it to be used only for demonstration and validation purposes. In case of a subsequent commercial use of demonstration or pilot projects, any revenue generated from such use must be deducted from the eligible costs. The experimental production and testing of products, processes and services are also eligible, provided that these cannot be used or transformed to be used in industrial applications or commercially. Experimental development does not include the routine or periodic changes made to products, production lines, manufacturing processes, existing services and other operations in progress, even if such changes may represent improvements

Or. en

Justification

Definition taken from the Framework for State Aid for R&D.

Amendment 199

Norbert Glante

Proposal for a regulation

Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) ‘exploitation of results’ means direct and indirect use of results for further research work or to develop, manufacture and market a product or a procedure or to develop and provide a service, irrespective of the activities to which the indirect action relates.

Or. de

Justification

The exploitation of results must be defined, showing that this component is particularly important under the new approach to innovation introduced by Horizon 2020.

Amendment 200

Ioannis A. Tsoukalas

Proposal for a regulation

Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) 'fair and reasonable conditions' means financial and other terms which take into account the specific circumstances of the request for access, in particular the actual or potential value of the foreground or background to which access is requested and/or the scope, duration and any other characteristics of

the use envisaged;

Or. en

Justification

The phrase "fair and reasonable" (compensation/conditions) is used in the Regulation, however not exclusively when referring to access. The amendment should not be biased and read as suggested

Amendment 201
Lambert van Nistelrooij

Proposal for a regulation
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) 'fair and reasonable conditions' means appropriate conditions including possible financial terms, taking into account the specific circumstances of the request for access, which may be determined by the actual or potential value of the results or background to which access is requested and/or the scope, duration or other characteristics of the exploitation envisaged;

Or. en

(In reference to Amendment 20; PE489.632v01-00)

Amendment 202
Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) 'exploitation' means the direct or indirect utilization of results in further

research activities other than those covered by the indirect action concerned, or for developing, creating and marketing a product or process, or for creating and providing a service;

Or. en

Amendment 203

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) 'exploit/exploitation' means the direct use of results for developing, creating and marketing a product or process, or for creating and providing a service;

Or. en

Amendment 204

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 7 b (new)

Text proposed by the Commission

Amendment

(7b) 'fair and reasonable conditions' means terms, including royalty-free conditions, which take into account the specific circumstances of the request for access and/or the scope, duration or other characteristics of the use envisaged;

Or. en

Amendment 205

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'legal entity' means ***undertakings, research centres and universities, encompassing*** any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Amendment

(10) 'legal entity' means any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Or. en

Justification

To simplify the definition of legal entity and to remove any doubts if a natural person is also treated as a legal entity in Horizon 2020. The proposed definition is fully in line with the definition used in FP7 rules for participation.

Amendment 206

Marisa Matias

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'legal entity' means undertakings, research centres and ***universities***, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Amendment

(10) 'legal entity' means undertakings, research centres, ***universities*** and ***civil society organisations*** encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Or. en

Amendment 207

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'legal entity' means undertakings, research centres and universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Amendment

(10) 'legal entity' means undertakings, research centres and universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations; ***these include non-profit and civil society organisations;***

Or. en

Amendment 208

Francisco Sosa Wagner

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'legal entity' means undertakings, research centres ***and*** universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Amendment

(10) 'legal entity' means undertakings, research centres, universities ***and civil society organisations***, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Or. es

Justification

This amendment aims to stress the role played by civil society organisations in RDI and to facilitate exchange between science and society.

Amendment 209

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'legal entity' means undertakings, research centres and universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Amendment

(10) 'legal entity' means undertakings, research centres and universities ***or other research and innovation institutions***, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Or. en

Amendment 210

Cristina Gutiérrez-Cortines

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'legal entity' means undertakings, research centres and universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Amendment

(10) 'legal entity' means undertakings, ***civil society organizations***, research centres and universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

Or. en

Amendment 211

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) 'non-profit legal entity' means a legal entity which by law shall not have a lucrative aim and/or which has a legal or statutory obligation not to distribute profits and/or which is recognized as such by national, Union or international authorities;

Or. en

Amendment 212

Jean-Pierre Audy, Gaston Franco

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

Amendment

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

(15) 'results' means any data, knowledge, and information, ***artefacts and other tangible outputs***, whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights ***such as copyright; design rights; patent rights; plant variety rights or similar forms of protection; but excluding data, knowledge and information that are generated by a participant in connection with a specific action but do not come within the objectives of that specific action and are not needed in order to implement the specific project or exploit the results obtained.***

Justification

The definition of the term ‘results’ should also cover tangible outputs.

Amendment 213

Christian Ehler

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and **information** whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Amendment

(15) 'results' means any data, knowledge, **information, objects and other tangible outputs**, whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights. ***For the purposes of this Regulation, publications shall not be considered as results;***

Amendment 214

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Amendment

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights ***such as copyright, design rights, patent rights, plant variety rights or similar forms of protection;***

Amendment 215
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached **rights**, including intellectual property rights;

Amendment

(15) 'results' means any **artefacts and other tangible outputs**, data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any **rights attached to them**, including intellectual property rights;

Or. en

Justification

Addition of tangible results to the definition in order to avoid legal uncertainty. Re-wording also aims to clarify the meaning of “attached rights”. These changes have been suggested by DESCA coordinators.

Amendment 216
Ioannis A. Tsoukalas

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and **information** whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Amendment

(15) 'results' means any data, knowledge, **information, artefacts and other tangible outputs**, whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights.

Or. en

Justification

The improvement in the definition of 'results' is welcome. The definition should not exclude scientific publications from the definition of results, or try to limit their scope and nature, nor should it narrow their remit to 'direct result of Horizon 2020 funding'. A scientific publication builds on former research, on former publications and results from other experiences and projects and cannot write on knowledge that would only be a direct result of one specific funding (Horizon 2020).

Amendment 217

Luigi Berlinguer

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and **information** whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Amendment

(15) 'results' means any data, knowledge, **information** and **publication**, whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Or. en

Amendment 218

Gunnar Hökmark

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Amendment

(15) 'results' means any **intangible or tangible results of the action, such as** data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Or. en

Amendment 219
Teresa Riera Madurell

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action ***as well as any attached rights***, including intellectual property rights;

Amendment

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action, including intellectual property rights;

Or. en

Amendment 220
Lambert van Nistelrooij

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'results' means any data, knowledge and information whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights;

Amendment

(15a) 'results' means any data, knowledge, information, ***objects and other tangible outputs***, whatever their form or nature, whether or not they can be protected, which are generated in the action as well as any attached rights, including intellectual property rights.

Or. en

(In reference to Amendment 23; PE489.632v01-00)

Justification

Both a positive and a negative clarification of results risks the creation of overlap between both definitions. In this way unnecessary legal confusion is avoided.

Amendment 221

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) 'usual accounting practices' means the accounting principles and conventions habitually and demonstrably employed by a participant for the purpose of participating in national or regional public research and innovation programmes analogous to Horizon 2020;

Or. en

Amendment 222

Vicky Ford

Proposal for a regulation

Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) 'use' means the direct or indirect utilisation of results in further research activities other than those covered by the indirect action concerned, or by exploitation, including, but not limited to, developing, creating and marketing a product or process, or for creating and providing a service;

Or. en

Justification

These changes have been suggested by DESCA coordinators.

Amendment 223

Antonio Cancian

Proposal for a regulation
Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) "SMEs" means micro, small and medium-sized enterprises within the meaning of Commission recommendation of 6 May 2003 2003/361/EC concerning the definition of micro, small and medium-sized enterprises¹;

¹ *OJ L 124, 20.5.2003, p36*

Or. en

Amendment 224
Vicky Ford

Proposal for a regulation
Article 2 – paragraph 1 – point 15 b (new)

Text proposed by the Commission

Amendment

(15b) 'sustainable open access' means that funds have been provided by Horizon 2020 grants or other funding or business models to cover the full publication cost of making free on the internet peer-reviewed scholarly articles which describe, interpret, or analyze data, knowledge or information that is generated from research funded by Horizon 2020, recognising also that the reputation of research publications themselves can sometimes be considered an endorsement of excellence and that participants in projects funded by Horizon 2020 should not be disadvantaged by being forced to publish in formats which may be considered of lesser quality.

Or. en

Amendment 225

Adam Gierek

Proposal for a regulation

Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) ‘Excellence’ is a quality assessment that refers to a research facility staffed by well trained research and scientific personnel and which ensures that the best practical solution is found to the research objective and that the maximum amount of new information is obtained at the minimum cost.

Or. pl

Justification

The concept of ‘excellence’ may be perceived in a subjective way; therefore, the evaluating expert should be provided with specific guidelines.

Amendment 226

Amalia Sartori, Antonio Cancian, Lara Comi, Gabriele Albertini, Aldo Patriciello

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purposes of this Regulation an entity which does not have legal personality under the applicable national law is assimilated to a legal entity provided that the conditions set out in Regulation (EU) No XX/2012 [the Financial Regulation] are complied with.

3. For the purposes of this Regulation an entity which does not have legal personality under the applicable national law is assimilated to a legal entity provided that the conditions set out in ***Article 114(2)(a) of*** Regulation (EU) No XX/2012 [the Financial Regulation] ***and Article 174a of the implementing rules therefore*** are complied with.

Or. it

Justification

With reference to the concept of legal personality, in view of the differences between the legal arrangements in place in the various Member States and in order to clarify the scope of paragraph 2.3 and avoid any interpretation problems, explicit reference should be made to Article 114(2)(a) of the current Financial Regulation and Article 174a of the implementing rules.

Amendment 227

Christian Ehler

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For the purposes of point (10), simplified rules shall apply for public authorities as regards legal personality.

Or. en

Amendment 228

Maria Da Graça Carvalho

Proposal for a regulation

Article 2 – paragraph 5a (new)

Text proposed by the Commission

Amendment

5a. The OECD definitions regarding Technological Readiness Level (TRL) will be taken into account in the classification of technological research, product development and demonstration activities.

Or. en

Amendment 229

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Subject to the conditions established in the implementing agreements, decisions or contracts, any data, knowledge and information communicated as confidential in the frame of an action shall be kept confidential, taking due account of any rules regarding the protection of classified information.

Amendment

Subject to the conditions established in the implementing agreements, decisions or contracts, any data, knowledge and information communicated as confidential in the frame of an action shall be kept confidential ***by the institutions and bodies and the participants taking part in an action***, taking due account of any rules regarding the protection of classified information.

Or. en

Amendment 230
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Subject to the conditions established in the implementing agreements, decisions or contracts, any data, knowledge and information communicated as confidential in the frame of an action shall be kept confidential, taking due account of any rules regarding the protection of classified information.

Amendment

Subject to the conditions established in the implementing agreements, decisions or contracts, any data, knowledge and information communicated as confidential in the frame of an action shall be kept confidential ***by the Union institutions and bodies and the participants in an action***, taking due account of any rules regarding the protection of classified information.

Or. en

Amendment 231
Jean-Pierre Audy

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Without prejudice to Article 3, the Commission shall, upon request, make available to the Union institutions and bodies, any Member State or associated country, any useful information in its possession on results of a participant that has received Union funding, provided that both the following conditions are met:

Amendment

Without prejudice to Article 3, the Commission shall, upon request, make available to the Union institutions and bodies, any Member State or associated country, any useful information in its possession on results of a participant that has received Union funding ***and before disseminating information, the Commission shall systematically ask the opinion of the participant concerned,*** provided that both the following conditions are met:

Or. en

Justification

It is necessary to clarify the conditions of disseminating “useful information” because it could present difficulties in terms of confidentiality.

Amendment 232

Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Without prejudice to Article 3, the Commission shall, upon request, make available to the Union institutions and bodies, any Member State ***or*** associated country, any useful information in its possession on results of a participant that has received Union funding, provided that both the following conditions are met:

Amendment

Without prejudice to Article 3, the Commission shall, upon request, make available to the Union institutions and bodies, any Member State, associated country ***and Union citizens or their directly elected representative,*** any useful information in its possession on results of a participant that has received Union funding, provided that both the following conditions are met:

Or. en

Amendment 233

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the information concerned is relevant to public policy;

(a) the information concerned is relevant to public policy ***objectives and the promotion of public interest***;

Or. en

Amendment 234

Jean-Pierre Audy

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the participants have not provided sound and sufficient reasons for withholding the information concerned.

(b) ***upon prior notice of the intended communication by the Commission, the*** participants have not provided sound and sufficient reasons for withholding the information concerned.

Or. en

Justification

The disclosure of information by the Commission on the participants' results raises issues of not only confidentiality but also contractual certainty and intellectual property right protection. Participants should therefore have the opportunity to object to the disclosure of information in cases where this would harm them, whence the need for them to be given prior notice.

Amendment 235

Teresa Riera Madurell

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In actions under the **activity ‘Secure societies’ within the** specific objective **‘Inclusive, innovative and secure societies’**, the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding.

Amendment

In actions under the specific objective **‘Protecting freedom and security in Europe’**, the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding. ***The Commission rules on security should be included in the relevant grant agreement.***

Or. en

Amendment 236
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In actions under the **activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’**, the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding.

Amendment

In actions under the **activities of the Societal Challenges pillar** the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding.

Or. en

Amendment 237
Ioannis A. Tsoukalas

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In actions under the activity 'Secure societies' within the specific objective 'Inclusive, innovative and secure societies', the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding.

Amendment

In actions under the activity 'Secure societies' within the specific objective 'Inclusive, innovative and secure societies' ***and the activity 'Health, demographic change and wellbeing' within the pillar 'Societal challenges',*** the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding.

Or. en

Justification

Public security, public policy and public health reasons constitute legitimate exceptions and justify derogations to the protection of intellectual property.

Amendment 238
Francisco Sosa Wagner

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In actions under the activity 'Secure societies' within the specific objective 'Inclusive, innovative and secure societies', the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding.

Amendment

In actions under the activity 'Secure societies' within the specific objective 'Inclusive, innovative and secure societies' ***and the 'Health, demographic change and well-being' section of the 'Societal challenges' strand,*** the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information in its possession on results of a participant that has received Union funding.

Or. es

Justification

This amendment aims to facilitate the use of the results of EU-funded research conducted as part of the ‘Health, demographic change and well-being’ section of the ‘Societal challenges’ strand by EU bodies or the national authorities of Member States in defining projects or policies.

Amendment 239 **Antonio Cancian**

Proposal for a regulation **Article 4 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

In actions under the activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’, the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information *in* its ***possession*** on results of a participant that has received Union funding.

Amendment

In actions under the activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’, the Commission may make available to Union institutions and bodies or Member States' national authorities any useful information *at* its ***disposal*** on results of a participant that has received Union funding.

Or. en

Amendment 240 **Hermann Winkler**

Proposal for a regulation **Article 4 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The Commission shall provide potential participants with a manual explaining the details of the selection process. In addition to the weighting of the selection criteria, it shall indicate the most common reasons for the failure of applications, particularly those by SMEs, and ways of avoiding these errors. In so far as possible, this information shall also

already be supplied when the first work programme is published and shall be expanded in the light of the Commission's experience. To the extent that it is possible for the Commission to arrange this, given the relevant budget, these manuals should be published in all the official languages. At all events, Member States shall ensure that SMEs can receive a copy of the manual in their official language free of charge.

Or. de

Amendment 241
Jean-Pierre Audy

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The provision of information pursuant to paragraph 1 shall not be deemed to transfer to the recipient any rights or obligations of the Commission or of the participants. **However**, the recipient shall treat any such information as confidential unless it becomes public or is made available publicly by the participants, or unless it was communicated to the Commission without restrictions concerning confidentiality. **The** Commission rules on security shall apply regarding classified information.

Amendment

2. The **Commission shall ensure the following:**

- (a) the provision of information pursuant to paragraph 1 shall not be deemed to transfer to the recipient any rights or obligations of the Commission or of the participants,
- (b) the recipient shall treat any such information as confidential unless it becomes public or is made available publicly by the participants, or unless it was communicated to the Commission without restrictions concerning

confidentiality, *and that*

(c) the Commission rules on security shall apply regarding classified information.

Or. en

Justification

Since the Commission provides the information, it should be its task to ensure that the information does not transfer any rights and to ensure that the recipient treats the information as confidential.

Amendment 242

Christian Ehler, Paul Rübig, Kent Johansson

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Guidance and information for potential participants

1. The Commission shall ensure that sufficient guidance and information is made available to all potential participants, in parallel with the publication of the first annual work programme of Horizon 2020.

2. The following documents shall be drawn up in close cooperation with all relevant stakeholders and adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 9(2):

a) rules for submission, evaluation, selection and award;

b) standard model grant agreement;

c) rules on audit certification.

3. Furthermore, the following guidance and information documents shall be drawn up in close cooperation with all

relevant stakeholders and disseminated by the Commission appropriately:

a) guidance note on drafting proposals, including detailed information on the evaluation and selection process;

b) guidance note for beneficiaries;

c) guide to financial issues;

d) guide to intellectual property rights (IPR);

e) checklist for consortium agreement.

4. The stipulations the Commission adapts in the above mentioned documents, concerning the interpretation of the rules laid down in Regulation (EU) No XX/XX [Financial Regulation] and this Regulation, shall remain valid throughout the whole duration of the programme.

Or. en

Amendment 243
Romana Jordan

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Activities close to market shall primarily be funded by means of financial instruments.

Or. en

Amendment 244
Paul Rübig

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purpose of calculating the size of an undertaking, the participant in an action shall be defined solely as the legal or natural person making the application, to the exclusion of its parent company, subsidiaries or foreign holdings.

Or. de

Justification

This will facilitate applications for grants.

Amendment 245

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The relevant work programme ***may*** restrict the participation in Horizon 2020 or parts thereof of ***legal entities established in third countries where conditions for the participation of legal entities from Member States in the third country's research and innovation programmes are considered prejudicial to the Union's interests.***

2. The relevant work programme ***shall*** restrict ***and exclude*** the participation in Horizon 2020 or parts thereof of:

Or. en

Amendment 246

Marita Ulvskog

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. The relevant work programme may restrict the participation in Horizon 2020 or parts thereof of legal entities established in third countries where conditions for the participation of legal entities from Member States in the third country's research and innovation programmes are considered prejudicial to the Union's interests.

Amendment

2. The relevant work programme may restrict the participation in Horizon 2020 or parts thereof of legal entities established in third countries where conditions for the participation of legal entities from Member States in the third country's research and innovation programmes are considered prejudicial to the Union's interests.

Additional rules on restricted access to Horizon 2020 for certain legal entities in third countries, or associated countries, are laid down in Article 6a (new)

Or. en

Amendment 247

Philippe Lamberts, Keith Taylor
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) legal entities (including any affiliated entities) whose participation, by the objectives they pursue, their place of establishment, the nature or the location of their activities, would cause the European Union to recognize as lawful or render aid or assistance in maintaining a situation created by a serious breach of international law (including international humanitarian law), where such breach has been established by a resolution of the United Nations Security Council or by a judgment or advisory opinion of the International Court of Justice;

Or. en

Amendment 248
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) undertakings established in a third country which promotes itself as an off-shore financial centre or in which there are no or nominal taxes, there is a lack of effective exchange of information with foreign tax authorities, there is a lack of transparency in regard to legislative, judicial or administrative provisions, or there is no requirement for a substantive local presence;

Or. en

Amendment 249
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) legal entities established in third countries where conditions for the participation of legal entities from Member States in the third country's research and innovation programmes are considered prejudicial to the Union's interests.

Or. en

Amendment 250
Silvia-Adriana Țicău

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. The relevant work programme or work plan may exclude entities not able to provide satisfactory security guarantees, including as regards personnel security clearance if justified by security reasons.

Amendment

3. The relevant work programme or work plan may exclude entities not able to provide satisfactory security *or intellectual property protection* guarantees, including as regards personnel security clearance if justified by security reasons.

Or. ro

Amendment 251

Salvador Sedó i Alabart, Ramon Tremosa i Balcells, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. An European Grouping of Territorial Cooperation (EGTC) or other legal body established under the laws of one of the participating countries, may participate in the action provided that it is set up by public authorities and bodies from at least two participating countries and provided that the conditions laid down in this regulation have been met, as well as any conditions laid down in the relevant work programme or work plan.

Or. en

Justification

According to article 7 of Regulation (EC) No 1082/2006, an EGTC may carry out other specific actions of territorial cooperation between its members in pursuit of the objective referred to in Article 1(2), with or without a financial contribution from the Community. According to Commission proposal amending regulation No 1082/2006 « An EGTC may carry out specific actions of territorial cooperation between its members in pursuit of the objective referred to in Article 1(2), with or without a financial support from the Union »

Amendment 252
Jean-Pierre Audy

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Participation by legal entities established in third countries in the Horizon 2020 framework programme or parts thereof shall be subject to the principle of reciprocity, in accordance with which legal entities established in the EU may participate in research and innovation programmes initiated by those countries.

Or. fr

Amendment 253
Marita Ulvskog

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Restricted access to Horizon 2020 for certain legal entities in third countries and certain associated countries

Participation and cooperation with legal entities in third countries, or associated countries, involved in military or territorial conflicts, or where there are reasonably grounded suspicions of human rights violations, or violation of international humanitarian law should be restricted. The participation of such entities or associated countries is only permitted provided the following criteria are met:

(a) the third country entity and the associated country shall present a report, prior to receiving funding and commencing indirect actions, detailing how funds and other support measures under Horizon 2020 does not contribute to, and are kept separate from, activities detailed in the previous paragraph. The Commission shall provide guidance with regards to the content and methodology of this report;

(b) funding cannot be dispersed and indirect actions cannot commence until the Commission approves of the report and its conclusions. If it is deemed necessary the commission may carry out its own investigation or request a third party audit;

(c) following the conclusion of indirect actions, or on a biannual basis with associated countries, the Commission should present an audit assessing whether funding and support measures has been properly managed;

(d) publications arising following the provisions of this article should be publically available.

Or. en

Amendment 254

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) at least **three** legal entities shall participate in an action;

Amendment

(a) at least **two** legal entities shall participate in an action;

Or. en

Amendment 255

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) each of the **three** shall be established in a Member State or associated country;

(b) each of the **two** shall be established in a Member State or associated country;

Or. en

Amendment 256

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a regulation

Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) **no two of the three may** be established in the same Member State or associated country;

(c) **they shall not** be established in the same Member State or associated country;

Or. en

Amendment 257

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a regulation

Article 8 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) **all three legal entities** shall be independent of each other within the meaning of Article 7.

(d) **they** shall be independent of each other within the meaning of Article 7.

Or. en

Amendment 258
Francisco Sosa Wagner

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Amendment

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, ***such as when geographical and cultural aspects of research conducted in the field of social sciences and the humanities are of particular interest to a given Member State or associated country and not others***, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Or. es

Justification

This amendment aims to inform the Commission or the relevant funding body with a view to ensuring that the geographical and cultural component is taken into account in drawing up given programmes or work plans. The involvement of a legal entity may be required as a minimum condition.

Amendment 259
Silvia-Adriana Țicău

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the

Amendment

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, ***actions in the area of primary agricultural production***, programme co-

work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Or. en

Justification

Given that regions are different in terms of types of soil, climate, and farm infrastructure, it may be the case that many agricultural projects would be relevant only if they are tailored to the regional level. For example, if a pest emerges in an area, measures to combat that pest need to be developed for the area. However, the fact that the pest would be stopped would be of cross-border relevance because small research and innovative projects can impede the pest spreading across the continent. Therefore, it is necessary the agricultural sector is eligible for this derogation.

Amendment 260 **Adina-Ioana Vălean**

Proposal for a regulation **Article 8 – paragraph 3**

Text proposed by the Commission

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Amendment

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, ***actions in the area of primary agricultural production***, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Or. en

Amendment 261 **Claudiu Ciprian Tănăsescu**

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Amendment

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, ***actions in the area of agricultural production and rural development***, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Or. en

Amendment 262
Vasilica Viorica Dăncilă

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Amendment

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, ***actions in the area of primary agricultural production***, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Or. en

Amendment 263
Rareș-Lucian Niculescu

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Amendment

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, ***actions in the area of primary agricultural production***, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Or. en

Amendment 264
Marian-Jean Marinescu

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Amendment

3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, ***actions in the area of primary agricultural production***, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Or. en

Amendment 265
Salvador Sedó i Alabart, Ramon Tremosa i Balcells, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By way of derogation from paragraph 1, an EGTC, within the meaning of article 6, may apply as sole beneficiary for an operation.

Or. en

Justification

Commission's proposal for a regulation on specific provisions from the ERDF to the territorial cooperation goal states that « an EGTC, or other legal body established under the laws of one of the participating countries may apply as sole beneficiary for an operation provided that it is set up by public authorities and bodies from at least two participating countries, for cross-border and transnational cooperation, and from at least three participating countries, for interregional cooperation »

Amendment 266

Salvador Sedó i Alabart, Ramon Tremosa i Balcells, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation

Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By way of derogation from paragraph 1, in the case of a project coordinated by a European Grouping for Territorial Cooperation, the minimum condition shall be the participation of two legal entities established in two different Member States or associated countries.

Or. en

Justification

We defend that there is nowadays a gap between the cross-border level (essentially limited to NUTS 3 zones around the border), transnational areas (close to the so-called « macro regional strategies ») and the interregional level. In addition, most EU sectorial programmes ask for wide European partnerships. Therefore there is no space for strategic cooperation between border regions. This is the case in the field of innovation and research where strategic partners might be located in neighbour regions. We agree with the Commission that

research and innovation projects should demonstrate a real added European value. However we believe that the European value should not only be evaluated on the basis of a wide European partnership. The critical mass and the systemic impact of the project should also be taken into account for example in the case of the Eurocampus Pyrenees-Mediterranean that gathers a community of 45 000 researchers.

Amendment 267

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

5. **Work** programmes or work plans may provide for additional conditions according to specific policy requirements or to the nature and objectives of the action, including inter alia conditions regarding the number of participants, the type of participant and the place of establishment.

Amendment

5. ***If necessary and fully justified, work*** programmes or work plans may provide for additional conditions according to specific policy requirements or to the nature and objectives of the action, including inter alia conditions regarding the number of participants, the type of participant and the place of establishment.

Or. en

Justification

Horizon 2020 should apply general rules introduced by the rules for participation. Any additional rules and conditions should be exceptional and be applied in fully justified cases where absolutely necessary.

Amendment 268

Kent Johansson, Fiona Hall, Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Proposal for a regulation

Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Flexibility in the conditions for participation shall be introduced in order to:

- *boost opportunity-seizing activities in sectors with short research and innovation cycles;*
- *aid the participation of SMEs and*
- *simplify procedures for activities directly building on funded research results.*

Or. en

Amendment 269
Jean-Pierre Audy

Proposal for a regulation
Article 9 – paragraph 2 – point a

Text proposed by the Commission

(a) the participation is deemed essential for carrying out the action by the Commission or the relevant funding body;

Amendment

(a) the participation is deemed essential for carrying out the action by the Commission or the relevant funding body, ***following consultation of the European Parliament and the Council;***

Or. fr

Amendment 270
Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation
Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) such funding is provided for under a bilateral scientific and technological agreement or any other arrangement between the Union and the international organisation or, for entities established in third countries, the country in which the legal entity is established.

Amendment

(b) such funding is provided for under a bilateral scientific and technological agreement or any other arrangement between the Union and the international organisation or, for entities established in third countries, the country in which the legal entity is established. ***This agreement should ensure equal treatment of all Member States regardless their***

*membership in the international
organisation.*

Or. en

Amendment 271

**Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan
Kazimierz Marcinkiewicz**

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***2a. The fulfilment of the conditions
referred to in paragraph 1 should be
subject to the strict control of the
Commission.***

Or. en

Amendment 272

Kent Johansson, Fiona Hall, Jürgen Creutzmann, Jens Rohde, Cristian Silviu Buşoi

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to the other cases provided for in Regulation (EU) No XX/2012 [Financial Regulation] and in Regulation (EU) No XX/2012 [Delegated Regulation], calls for proposals shall not be issued for coordination and support actions and programme co-fund actions to be carried out by legal entities identified in the work programmes provided that the action does not fall under the scope of a call for proposals.

Without prejudice to the other cases provided for in Regulation (EU) No XX/2012 [Financial Regulation] and in Regulation (EU) No XX/2012 [Delegated Regulation], calls for proposals shall not be issued for coordination and support actions and programme co-fund actions to be carried out by legal entities identified in the work programmes provided that the action does not fall under the scope of a call for proposals. ***Calls for proposals may take all forms, including open calls, which are necessary to ensure the level of flexibility imposed by the diversity of research and innovation sectors and activities, from***

*long-term projects to short-term
opportunity-seizing activities.*

Or. en

Amendment 273
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All calls for proposals in the area of security research shall be subject to an ex-ante ethical and societal impact assessment. Calls that raise substantial ethical and/or societal impact concerns must be subject to enhanced scrutiny and control.

Or. en

Amendment 274
Teresa Riera Madurell

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The number of actions funded under a call for proposals should be determined by the criterion of excellence.

Or. en

Amendment 275
Christian Ehler, Paul Rübig, Maria Da Graça Carvalho, Kent Johansson

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

A simplified two-stage evaluation procedure may apply, if stated so in the work programme, provided that no prolongation of the overall evaluation period is entailed.

Or. en

Amendment 276
Jean-Pierre Audy

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Legal entities receiving funding from the Union shall conclude a grant agreement with the Union or the relevant funding body. That grant agreement shall include the description of work to be done by those participants and by the participating legal entities from the third countries involved.

2. Legal entities receiving funding from the Union shall conclude a grant agreement with the Union or the relevant funding body. That grant agreement shall include the description of work to be done by those participants and by the participating legal entities from the third countries involved ***and framework conditions notably on access rights, exploitation and dissemination.***

Or. en

Justification

Provision needs to be made for the possibility of indicating framework conditions for actions carried out on the basis of joint calls with third countries, in particular in relation to intellectual property rights.

Amendment 277
Vicky Ford

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Time to Bid

Shortening time periods for deciding on successful bids is a priority. However, depending on the nature of any specific call, due consideration shall also be given to the following:

(a) clear and transparent mechanisms to develop calls on specific topics will enable a level playing field and the inclusion and growth of participation. This should, where possible, be consistent across programmes and themes;

(b) reasonable advance notice of upcoming calls can allow potential participants to form bidding consortia in advance of publication of calls and thus result in higher quality bids;

(c) maintaining a reasonable time period between the publication of a call and the deadline for submitting bids can result in higher quality bids and a more level playing field between participants with different degrees of administrative capacity, experience of participation in Union funded programmes, different languages and varying levels of English language skills and

- call deadlines should be scheduled taking into account the full scope of Union calls and the academic and business calendar of potential participants.

Or. en

Amendment 278
Gunnar Hökmark

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Synergies with cohesion funds

In order to create synergies and efficiency with the use of Cohesion policy funds dedicated to research purposes common rules for participation should be set. One single set of rules and entry point for all research funding from Union shall be established, including usage of same Participant Identification Code (PIC) and participant portal for all of Union calls and projects

Or. en

Amendment 279
Cristina Gutiérrez-Cortines

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Where appropriate, proposals shall include a draft plan for the exploitation and dissemination of the results.

1. Proposals shall examine whether responsible research and innovation dimensions as set out in article 14a of Regulation 2011/809 establishing Horizon 2020-The Framework Programme for Research and Innovation (2014-2020), are relevant and if they have to be taken into account.

Or. en

Justification

This amendment makes reference to amendment 12 of Cristina Gutiérrez-Cortines on the María Teresa Riera Madurell Draft Report on Horizon 2020 The Framework Programme where a new article 14a on responsible research is suggested.

Amendment 280

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Where appropriate, proposals shall include a draft plan for the exploitation **and** dissemination of the results.

Amendment

1. Where appropriate, proposals shall include a draft plan for the exploitation ***of the results, whenever exploitation is expected or required as part of the call, as well as a plan for*** dissemination, ***including a data management and sharing plan*** of the results.

Or. en

Amendment 281

Jean-Pierre Audy

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. ***Where appropriate, proposals*** shall include a draft plan for the exploitation and dissemination of the results.

Amendment

1. ***Proposals*** shall include a draft plan for the exploitation and dissemination of the results. ***Where appropriate, the work programme or work plan shall explicitly mention that no draft plan is needed.***

Or. en

Justification

Exploitation and dissemination plans should be submitted in all but exceptional cases.

Amendment 282

Ioannis A. Tsoukalas

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. Where appropriate, proposals shall include a draft plan for the exploitation and dissemination of the results.

Amendment

1. Where appropriate, proposals shall include a draft plan for the exploitation and dissemination of the results, ***including a plan for data management and sharing.***

Or. en

Amendment 283

Vicky Ford, Christian Ehler

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where appropriate, e.g. if it is expected that there will be a high volume of applications, the Commission may decide to use a two stage application procedure, provided that the evaluation is undertaken thoroughly in the first stage (objectives, scientific approach, competences of participants, added value of scientific collaboration and overall budget) and provided that it is not at the expense of materially longer time-to-contract or grant periods;

Or. en

Amendment 284

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any proposal for research with the potential for further development into a novel medical technology (e.g. drugs, vaccines, medical diagnostics) shall include a draft plan specifying a strategy to guarantee the immediate and widest possible access to this technology, where lack of access to the technology would pose a threat to the protection of public health.

Or. en

Justification

Access to drugs, vaccines and other medical technologies is a key element of functioning health systems and ensuring access to health. As documented in several reports by the WHO, considering access strategies as early as during the R&D process can contribute later to a functioning health supply. Sources WHO: Report of the Commission on IPR, Innovation and Public Health. (2006); R&D to Meet Health Needs in Developing Countries: Strengthening Global Financing and Coordination (2012)

Amendment 285
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Proposals shall examine the way responsible research and innovation dimensions as set out in Article 14a of Regulation (EU) No XX/XX [Horizon 2020] are relevant and taken into account.

Or. en

Amendment 286

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. Any proposal for research on human embryonic stem cells shall include, as appropriate, details of ***licensing and*** control measures that will be taken by the competent authorities of the Member States as well as details of the ethical approvals that will be provided. As regards the derivation of human embryonic stem cells, institutions, organisations and researchers shall be subject to strict ***licensing and*** control in accordance with the legal framework of the Member States involved.

Amendment

2. Any proposal for research on human embryonic stem cells shall include, as appropriate, details of control measures that will be taken by the competent authorities of the Member States as well as details of the ethical approvals that will be provided. As regards the derivation of human embryonic stem cells, institutions, organisations and researchers shall be subject to strict control in accordance with the legal framework of the Member States involved.

Or. en

Amendment 287

Vicky Ford, Christian Ehler

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. Any proposal for research on human embryonic stem cells shall include, ***as appropriate***, details of licensing and control measures that will be taken by the competent authorities of the Member States as well as details of the ethical approvals that will be provided. As regards the derivation of human embryonic stem cells, institutions, organisations and researchers shall be subject to strict licensing and control in accordance with the legal framework of the Member States involved.

Amendment

2. Any proposal for research on human embryonic stem cells shall include details of licensing and control measures that will be taken by the competent authorities of the Member States as well as details of the ethical approvals that will be provided, ***as appropriate***. As regards the derivation of human embryonic stem cells, institutions, organisations and researchers shall be subject to strict licensing and control in accordance with the legal framework of the Member States involved.

Or. en

Amendment 288
Silvia-Adriana Țicău

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. Any proposal for research on human embryonic stem cells shall include, **as appropriate**, details of licensing and control measures that will be taken by the competent authorities of the Member States as well as details of the ethical approvals that will be provided. As regards the derivation of human embryonic stem cells, institutions, organisations and researchers shall be subject to strict licensing and control in accordance with the legal framework of the Member States involved.

Amendment

2. Any proposal for research on human embryonic stem cells shall include details of licensing and control measures that will be taken by the competent authorities of the Member States as well as details of the ethical approvals that will be provided. As regards the derivation of human embryonic stem cells, institutions, organisations and researchers shall be subject to strict licensing and control in accordance with the legal framework of the Member States involved.

Or. ro

Amendment 289
Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. A proposal which contravenes ethical principles or any applicable legislation, or which does not fulfil the conditions set out in Decision No XX/XX/EU [specific programme], the work programme or work plan or in the call for proposals may be excluded from the evaluation, selection and award procedures at any time.

Amendment

3. A proposal which contravenes ethical principles, **fundamental rights** or any applicable legislation, or which does not fulfil the conditions set out in Decision No XX/XX/EU [specific programme], the work programme or work plan or in the call for proposals may be excluded from the evaluation, selection and award procedures at any time.

Or. en

Amendment 290
Cristina Gutiérrez-Cortines

Proposal for a regulation
Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Any proposal for research with the potential for further development into a novel medical technology (e.g. drugs, vaccines, medical diagnostics) shall include a draft plan specifying a strategy to guarantee the immediate and widest possible access to this technology, where lack of access to the technology would pose a threat to the protection of public health.

Or. en

Justification

Access to drugs, vaccines and other medical technologies is a key element of functioning health systems and it guarantees the access of citizens to health, as thoroughly documented in several reports by the World Health Organization WHO. Considering access strategies as early as during the Research and Development process can contribute to a functioning later health supply. Many different tools to fulfil this need exist (e.g. provisions for dealing with intellectual property, access programmes).

Amendment 291
Marisa Matias

Proposal for a regulation
Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Any proposal for research with the potential for further development into a novel medical technology (e.g. drugs, vaccines, medical diagnostics) shall include a draft plan specifying a strategy to guarantee the immediate and widest possible access to this technology, where

lack of access to the technology would pose a threat to the protection of public health.

Or. en

Amendment 292
Kent Johansson, Fiona Hall

Proposal for a regulation
Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Any proposal for research with the potential for further development into a novel medical technology (e.g. drugs, vaccines, medical diagnostics) shall include a draft plan specifying a strategy to guarantee the immediate and widest possible access to this technology, where lack of access to the technology would pose a threat to the protection of public health.

Or. en

Justification

Access to drugs, vaccines and other medical technologies is a key element of functioning health systems and ensuring citizen's access to health.

Amendment 293
Jean-Pierre Audy

Proposal for a regulation
Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When relevant, proposals should explain how and to what extent sex and gender analysis is relevant to the intended

project, and use appropriate methods as developed by cutting edge research in the field.

Or. en

Justification

In certain areas, proposals should indicate how relevant gender is.

Amendment 294
Jean-Pierre Audy

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Amendment

Ethics review

Ethics *and gender* review

Or. en

Justification

In some cases, proposals should be subjected to a gender review.

Amendment 295
Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall **systematically carry out ethics reviews for proposals raising ethical issues. This review shall** verify the respect of ethical principles *and legislation and, in the case of research carried out outside the Union*, that the same research would have been allowed in a Member State.

In the case of research carried out outside the Union, the Commission shall verify the respect of ethical principles, ***as appropriate, and ensure*** that the same research would have been allowed in a Member State.

Amendment 296
Jean-Pierre Audy

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

The Commission shall systematically carry out ethics reviews for proposals raising ethical issues. This review shall verify the respect of ethical principles and legislation and, in the case of research carried out outside the Union, that the same research would have been allowed in a Member State.

Amendment

The Commission shall systematically carry out ethics reviews for proposals raising ethical issues. This review shall verify the respect of ethical principles and legislation and, in the case of research carried out outside the Union, that the same research would have been allowed in a Member State. ***When relevant, the Commission should also systematically carry out gender reviews for proposals, using a template with a check list, particularly for those dealing with human beings as either subjects or users.***

Justification

In some cases, proposals should be subjected to a gender review.

Amendment 297
Francisco Sosa Wagner

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

The Commission shall systematically carry out ethics reviews for proposals raising ethical issues. This review shall verify the respect of ethical principles and legislation and, in the case of research carried out outside the Union, that the same research

Amendment

The Commission shall systematically carry out ethics reviews for proposals raising ethical issues. This review shall verify the respect of ethical principles and ***EU*** legislation and, in the case of research carried out outside the Union, ***shall verify***

would have been allowed in a Member State.

whether the same research would have been allowed in a Member State.

Or. es

Justification

This is to ensure that ethics reviews are conducted in accordance with EU legislation and principles.

Amendment 298

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All calls for proposals in the area of security research shall be subject to an ex-ante ethical impact assessment. This review must extend beyond the narrow confines of privacy and data protection take into account the broader societal impacts of the underlying security R&D agenda. Calls that raise substantial ethical and/or societal impact concerns must be subject to enhanced scrutiny and control. In particular each project under that call will be subject to ethical review.

Or. en

Amendment 299

Vicky Ford, Christian Ehler

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall make the

process of ethics review as transparent as possible to the project officers and to participants.

Or. en

Amendment 300
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall try to ensure that ethics reviews do not, where possible, result in undue delay in the start, continuation or completion of projects.

Or. en

Amendment 301
Marita Ulvskog

Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Gender Review

The Commission shall systematically carry out gender reviews for proposals, using a template with a check list.

Or. en

Amendment 302
Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš, Konrad Szymański

Proposal for a regulation
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Impact shall be weighted against the full estimated financial costs of the project, which shall determine the cost-impact ratio as the award criteria.

Or. en

Justification

As Horizon 2020 is a programme for the distribution of public funds, the cost-benefit of a proposal should also be taken into account when ranking and selecting the proposals for funding.

Amendment 303
Adam Gierek

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The proposals submitted shall be evaluated on the basis of ***the following*** award criteria:

1. The proposals submitted shall be evaluated on the basis of award criteria ***such as the following:***

Or. pl

Justification

Amendments 4, 5, 6, 7 and 8 specify the criteria that should be used to define the uniform assessment scale for evaluations submitted by the evaluating reviewers.

Amendment 304
Adam Gierek

Proposal for a regulation
Article 14 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) excellence;

a) excellence, ***on the basis of an evaluation of the research facilities in accordance with Article 2(1) point 17a (new)***;

Or. pl

Justification

Amendments 4, 5, 6, 7 and 8 specify the criteria that should be used to define the uniform assessment scale for evaluations submitted by the evaluating reviewers.

Amendment 305

Adam Gierek

Proposal for a regulation

Article 14 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) ***impact***;

b) ***the research achievements of the team members***;

Or. pl

Justification

Amendments 4, 5, 6, 7 and 8 specify the criteria that should be used to define the uniform assessment scale for evaluations submitted by the evaluating reviewers.

Amendment 306

Adam Gierek

Proposal for a regulation

Article 14 – paragraph 1 – point c

Text proposed by the Commission

Amendment

c) ***quality and efficiency of the***

c) ***cost of*** implementation.

implementation.

Or. pl

Justification

Amendments 4, 5, 6, 7 and 8 specify the criteria that should be used to define the uniform assessment scale for evaluations submitted by the evaluating reviewers.

Amendment 307

Adam Gierek

Proposal for a regulation

Article 14 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

ca) likelihood of success.

Or. pl

Justification

Amendments 4, 5, 6, 7 and 8 specify the criteria that should be used to define the uniform assessment scale for evaluations submitted by the evaluating reviewers.

Amendment 308

Amalia Sartori, Antonio Cancian

Proposal for a regulation

Article 14 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) synergies with other public funding at national, regional and local level.

Or. en

Justification

In order to facilitate a real synergy with funding programmes enabled by the Member States

and regions, in the context of a real smart specialization and concentration of resources, it is considered appropriate to provide the possibility to award the projects also on the basis of the potential to make these synergies.

Amendment 309

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each criterion listed in paragraph 1 will be scored out of 5. Half marks can be given. The scores indicate the following with respect to the criterion under examination:

(a) 0 - The proposal fails to address the criterion under examination or cannot be judged due to missing or incomplete information

(b) 1 - Poor. The criterion is addressed in an inadequate manner, or there are serious inherent weaknesses.

(c) 2 - Fair. While the proposal broadly addresses the criterion, there are significant weaknesses.

(d) 3 - Good. The proposal addresses the criterion well, although improvements would be necessary.

(e) 4 - Very good. The proposal addresses the criterion very well, although certain improvements are still possible.

(f) 5 - Excellent. The proposal successfully addresses all relevant aspects of the criterion in question. Any shortcomings are minor.

Or. en

Amendment 310

Jean-Pierre Audy

Proposal for a regulation
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Selection criteria and their weight shall be defined in the work programme or work plan and their use shall be adapted to Horizon 2020 priorities.

Or. en

Amendment 311
Romana Jordan

Proposal for a regulation
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Impact shall be weighted against the full estimated financial costs of the project, which shall determine the cost-impact ratio as the award criteria.

Or. en

Amendment 312
Silvia-Adriana Țicău

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The sole criterion of excellence shall apply for proposals for ERC frontier research actions.

deleted

Or. ro

Amendment 313

Adam Gierek

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. The sole criterion of excellence shall apply for proposals for ERC frontier research actions.

Amendment

2. The sole criterion of excellence shall apply ***in the selection of the research team*** for proposals for ERC frontier research actions, ***i.e., it shall be based on the evaluation of the researchers' access to modern research facilities, in accordance with Article 2(1) point 17a (new).***

Or. pl

Justification

The criterion of excellence requires clarification.

Amendment 314

Marita Ulvskog

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Selection and award criteria should be applied without gender bias. An incentive system in support of projects with a gender and gender equality perspective should be established. The commission shall establish processes to monitor the implementation of this provision and publically disseminate its conclusions.

Or. en

Amendment 315

Philippe Lamberts, Amelia Andersdotter

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The criterion of impact shall include the potential extent of dissemination and public availability of research results and data, assigning priority to projects potentially entailing a wider dissemination and exploitation of results.

Or. en

Amendment 316

Jean-Pierre Audy

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The criterion of impact shall be given the highest weighting for proposals under priority « Industrial Leadership ».

Or. en

Amendment 317

Marita Ulvskog

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. The work programme or work plan shall lay down further details of the application of the award criteria laid down in paragraph 1, and specify weightings and thresholds.

3. The work programme or work plan shall lay down further details of the application of the award criteria laid down in paragraph 1, and specify weightings and thresholds. ***Gender balance shall furthermore be established as one***

criterion of the work programmes.

Or. en

Amendment 318
Jean-Pierre Audy

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. The work programme or work plan shall lay down further details of the application of the award criteria laid down in paragraph 1, and specify weightings and thresholds.

Amendment

3. The work programme or work plan shall lay down further details of the application of the award criteria laid down in paragraph 1, and specify ***sub-criteria***, weightings and thresholds. ***Evaluation shall ensure gender equality and non-discrimination.***

Or. en

Amendment 319
Norbert Glante

Proposal for a regulation
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall adopt and publish rules governing the procedure for the submission of proposals, as well as the related evaluation, selection and award procedures, and publish guides for applicants including guidelines for evaluators. In particular, it shall lay down detailed rules for the two-stage submission procedure – including as regards the scope and nature of the first-stage proposal as well as those of the complete second-stage proposal – and rules for the two-step evaluation procedure.

Justification

The requisite documents should already be defined as comprehensively as possible in the rules governing participation.

Amendment 320
Teresa Riera Madurell

Proposal for a regulation
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall draw up a guide to the selection process, explaining the application of the award criteria and defining the implications of specific weightings and thresholds for the selection process. This guide shall be published in parallel with the first work programme. The content of the guide shall be binding for the Commission services.

Amendment 321
Alyn Smith

Proposal for a regulation
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall draw up a guide to the selection process, explaining the application of the award criteria and defining the implications of specific weightings and thresholds for the selection process. This guide shall be published in parallel with the first work

programme.

Or. en

Amendment 322

Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation

Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where appropriate, the potential of a proposal to foster international cooperation on key topics such as standardization shall be taken into account in the evaluation procedure.

Or. en

Amendment 323

Hermann Winkler

Proposal for a regulation

Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Submission in a language other than English must not place applicants at a disadvantage in the evaluation procedure.

Or. de

Amendment 324

Adam Gierek

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

4. Proposals shall be ranked according to the evaluation results. ***The selection shall be made*** on the basis of ***this ranking***.

Amendment

4. Proposals shall be ranked according to the evaluation results on the basis of ***the proposed numerical assessment scale. The same topic (problem to be solved) or a similar one may be given independently to two different research teams in order to enhance competitiveness.***

Or. pl

Justification

Competitiveness should be a factor both during the grant application process and during the implementation of the grant(s).

Amendment 325
Konrad Szymański

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Proposals shall be ranked according to the evaluation results. The selection shall be made on the basis of this ranking.

Amendment

4. Proposals shall be ranked according to the evaluation results. The selection shall be made on the basis of this ranking.
Where two or more proposals are deemed to be equal based on the criteria set out in paragraphs 1 and 2, the Commission shall take into account value for money as a further criterion.

Or. en

Amendment 326
Romana Jordan

Proposal for a regulation
Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Calls for proposals shall primarily implement a two-stage submission procedure, in accordance with the provisions of Regulation (EU) No XX/2012 [the Financial Regulation] and its Implementing Rules.

Or. en

Amendment 327

Vicky Ford

Proposal for a regulation

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. ***The*** Commission or the relevant funding body shall verify the financial capacity in advance only for coordinators when the requested funding from the Union for the action is equal or superior to EUR **500** 000, unless where, on the basis of available information, there are grounds to doubt the financial capacity of the coordinator or other participants.

5. ***By means that are compatible with national law, the*** Commission or the relevant funding body shall verify the financial capacity in advance only for coordinators when the requested funding from the Union for the action is equal or superior to EUR **100** 000, unless where, on the basis of available information, there are grounds to doubt the financial capacity of the coordinator or other participants. ***The Commission shall provide a simple, user-friendly electronic tool to applicants to carry out their financial viability check.***

Or. en

Justification

The pre-eminence of national law must be recognised and will be an important step forward in simplifying procedures for participants.

Amendment 328

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

5. The Commission or the relevant funding body shall verify the financial capacity in advance only for coordinators when the requested funding from the Union for the action is equal or superior to EUR **500** 000, unless where, on the basis of available information, there are grounds to doubt the financial capacity of the coordinator or other participants.

Amendment

5. The Commission or the relevant funding body shall verify the financial capacity in advance only for coordinators ***or other participants*** when the requested funding from the Union for the action is equal or superior to EUR **650** 000, ***as in Seventh Framework Programme***, unless where, on the basis of available information, there are grounds to doubt the financial capacity of the coordinator or other participants.

Or. en

Amendment 329
Jean-Pierre Audy

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

5. The Commission or the relevant funding body shall verify the financial capacity in advance ***only for coordinators*** when the requested funding from the Union for the ***action*** is equal or superior to EUR 500 000, unless where, on the basis of available information, there are grounds to doubt the financial capacity of the coordinator or other participants.

Amendment

5. The Commission or the relevant funding body shall verify the financial capacity in advance when the requested funding from the Union for the ***participant*** is equal or superior to EUR 500 000, unless where, on the basis of available information, there are grounds to doubt the financial capacity of the coordinator or other participants.

Or. en

Justification

Verifying the financial capability of the coordinator gives no indication on the financial capability of those participants requesting significant amount of contribution. The verification should be on participants and not on coordinator's action.

Amendment 330
Vicky Ford

Proposal for a regulation
Article 14 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the potential SME coordinator does not meet all financial criteria the Participant Guarantee Fund as outlined in Article 32 of this Regulation may cover the risk.

Or. en

Amendment 331
Marian-Jean Marinescu, Jean-Pierre Audy

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. The financial capacity shall not be verified for legal entities whose viability is guaranteed by a Member State or an associated country and for higher and secondary education establishments.

6. The financial capacity shall not be verified for legal entities whose viability is guaranteed by a Member State or an associated country and for higher and secondary education establishments.
Similarly, the financial and coordination capacity of under-capitalized subsidiaries or start-ups shall not be verified where their viability is guaranteed by their shareholders as far as this is renewed on a yearly basis.

Or. en

Amendment 332
Pilar del Castillo Vera, Alejo Vidal-Quadras, Maria Da Graça Carvalho

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

6. The financial capacity shall not be verified for legal entities whose viability is guaranteed by a Member State or an associated country and for higher and secondary education establishments.

Amendment

6. The financial capacity shall not be verified for legal entities whose viability is guaranteed by a Member State or an associated country and for higher and secondary education establishments.

Similarly, the financial and coordination capacity of under-capitalized subsidiaries or start-ups shall not be verified where their viability is guaranteed by their shareholders as far as this is renewed on a yearly basis.

Or. en

Amendment 333
Peter Skinner

Proposal for a regulation
Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In the financial validation stage of the procedure, SMEs in certain sectors focussed on research rather than profit generation should not have to produce evidence of operational turnover in previous years in order to qualify for funding.

Or. en

Justification

Many SMEs, particularly those in the biotech sector are focussed on R&D rather than on profit generation.

Amendment 334

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Calls for proposals shall in principle contain a two-stage submission procedure, in accordance with the provisions of Regulation (EU) No XX/2012 [the Financial Regulation] and its Implementing Rules.

Or. en

Amendment 335

Jean-Pierre Audy

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Financial capacity can be guaranteed by any other legal entity, whose financial capacity shall then be verified according to Article 14 (5)

Or. en

Amendment 336

Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission or the relevant funding body shall provide ***an*** evaluation review procedure for applicants who consider that

1. The Commission or the relevant funding body shall provide ***a fully transparent*** evaluation review procedure for applicants

the evaluation of their proposal has not been carried out in accordance with the procedures set out in these rules, the relevant work programme or work plan and the call for proposals.

who consider that the evaluation of their proposal has not been carried out in accordance with the procedures set out in these rules, the relevant work programme or work plan and the call for proposals.

Or. en

Amendment 337
Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. The Commission or the relevant funding body shall be responsible for the examination of this request. ***This examination shall only cover the procedural aspects of the evaluation, and not the merit of the proposal.***

Amendment

3. The Commission or the relevant funding body shall be responsible for the examination of this request.

Or. en

Amendment 338
Francisco Sosa Wagner

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. The Commission or the relevant funding body shall be responsible for the examination of this request. This examination shall only cover the procedural aspects of the evaluation, and ***not*** the merit of the proposal.

Amendment

3. The Commission or the relevant funding body shall be responsible for the examination of this request. This examination shall only cover the procedural aspects of the evaluation, and ***where appropriate, and in accordance with the previous paragraph,*** the merit of the proposal.

Or. es

Justification

This amendment paves the way for consideration of the merits of the proposals submitted.

Amendment 339
Judith A. Merkies

Proposal for a regulation
Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where Horizon 2020 subsidy projects are resubmitted, the Commission, before the evaluation, shall make available to the new evaluation panel the project application previously submitted and the accompanying Evaluation Summary Report (ESR). The Commission – with due regard for technical and scientific developments – shall ensure that there is no inconsistency between the findings in the old and new project ESRs.

Or. nl

Amendment 340
Francisco Sosa Wagner

Proposal for a regulation
Article 15 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. An evaluation review committee composed of Commission staff or of the relevant funding body staff shall provide an opinion on the procedural aspects of the evaluation process. It shall be chaired by an official of the Commission or of the relevant funding body, from a department other than the one responsible for the call for proposals. The committee may recommend one of the following:

4. An evaluation review committee composed of Commission staff or of the relevant funding body staff shall provide an opinion on the procedural aspects of the evaluation process. It shall be chaired by an official of the Commission or of the relevant funding body, from a department other than the one responsible for the call for proposals; ***the committee shall select an independent expert from the database referred to in Article 37 of this regulation;***

the expert shall give an opinion on whether to examine the proposal under consideration on its merits, the final decision shall, however, be taken by the committee Chair. The committee may recommend one of the following:

Or. es

Justification

This amendment introduces a system for bringing in a third-party expert from outside to ascertain whether to examine the merits of a proposal, although the final word shall go to the Chair of the committee.

Amendment 341

Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation

Article 15 – paragraph 4 – introductory part

Text proposed by the Commission

4. An evaluation review committee composed of Commission staff or of the relevant funding body staff shall provide **an** opinion on **the procedural aspects of** the evaluation process. It shall be chaired by an official of the Commission or of the relevant funding body, from a department other than the one responsible for the call for proposals. The committee may recommend one of the following:

Amendment

4. An evaluation review committee composed of Commission staff or of the relevant funding body staff shall provide **a transparent and objective** opinion on the evaluation process. It shall be chaired by an official of the Commission or of the relevant funding body, from a department other than the one responsible for the call for proposals. The committee may recommend one of the following:

Or. en

Amendment 342

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation

Article 15 – paragraph 4 – point a

Text proposed by the Commission

(a) re-evaluation of the proposal;

Amendment

(a) re-evaluation of the proposal **by evaluators not involved in the previous evaluation**;

Or. en

Amendment 343
András Gyürk

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. On the basis of that recommendation a decision shall be taken by the Commission or the relevant funding body and notified to the coordinator of the proposal.

Amendment

5. On the basis of that recommendation a decision shall be taken by the Commission or the relevant funding body and notified to the coordinator of the proposal **within 30 days of the date when the Commission or the relevant funding body receives the request for the review**.

Or. en

Amendment 344
Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. On the basis of that recommendation a decision shall be taken by the Commission or the relevant funding body and notified to the coordinator of the proposal.

Amendment

5. On the basis of that recommendation a decision shall be taken by the Commission or the relevant funding body and notified to the coordinator of the proposal **within 30 days of the submission of a request for review**.

Or. en

Justification

In order to achieve smooth implementation of the programme and reduce uncertainty for real and potential participants, it is very important to manage redress procedure in the most efficient and effective manner and avoid unnecessary delays. The proposed time limit allows sufficient time to finalise the redress procedure.

Amendment 345

Vicky Ford

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Redress

The Commission shall set up a formal complaints procedure for participants, which may include appointing an ombudsman specifically dedicated to research and innovation projects under Horizon 2020. The Commission shall ensure that participants are aware of all complaints/redress procedures available to them by publishing details of the redress/complaints procedures on all correspondence with participants or applicants. The procedure shall be transparent and the results and decision-making process shall be made available to participants.

Participants shall be allowed to register complaints concerning any area of their involvement in Horizon 2020. The complaints procedure shall not be limited to procedural aspects of the evaluation of proposals.

The Commission shall respond to complaints within 30 days of receiving them with a preliminary decision.

In line with Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of

mediation in civil and commercial matters and European Parliament resolution of 13 September 2011 on the implementation of the directive on mediation in the Member States, its impact on mediation and its take-up by the courts ¹, when a complaint cannot satisfactorily be solved through the Commission's internal formal complaint handling procedure (the ombudsman or equivalent body), the European Commission and the participants may agree to attempt to resolve the dispute through a mediation process in accordance with the rules of a Mediation Centre procedure. The Mediation Centre shall be agreed beforehand by the Commission and the participant(s) or with a list of mediation centres accepted by the Commission.

The Commission shall set aside 0.5% of the Horizon 2020 budget for projects which are initially unsuccessful and which, following the redress procedure, are positively evaluated.

¹ Texts adopted, P7_TA(2011)0361.

Or. en

Amendment 346
Jean-Pierre Audy

Proposal for a regulation
Article 16 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The Commission or the relevant funding body shall draw up, in close cooperation with the Member States, model grant agreements between the Commission or the relevant funding body and the participants in accordance with this Regulation, taking into account the characteristics of the funding scheme

concerned.

Or. en

Justification

Unlike in the rules governing participation in the 7th Framework Programme (Article 19(8)), the Commission has not expressly provided for the drawing up of model grant agreements in this proposal. Such agreements will afford participants greater legal certainty, as they lay down the terms and obligations to which they will be subject in connection with the project.

Amendment 347

Jean-Pierre Audy

Proposal for a regulation

Article 16 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. At the latest at the publication of the call for proposals, the Commission or the relevant funding body shall make available the grant agreement for the action concerned.

Or. en

Justification

The participants need to have certainty about the rules which will apply to an action. Therefore, model agreements should be used to the largest extent possible. Also, the terms of the grant agreement need to be available in time for the calls.

Amendment 348

Hermann Winkler

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission or the relevant funding body shall enter into a grant agreement with the participants.

1. The Commission or the relevant funding body shall enter into a grant agreement with the participants. ***The Commission shall draw up, in close consultation with***

the Member States, a model agreement in accordance with this Regulation.

Or. de

Amendment 349

Norbert Glante

Proposal for a regulation

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission or the funding body concerned shall ensure that the period between the deadline for submission of proposals and the signature of the grant agreement or the taking of the grant decision is limited to a maximum of six months. The period may be extended in justified exceptional cases. Together with its acknowledgement of receipt of project proposals, the Commission should communicate an indicative timetable for the main stages of the procedure until signature of the agreement.

Or. de

Justification

As a result of the necessary reduction of the time to grant, designed to make the programme more attractive, there will be greater pressure of time on both sides. Thanks to having a timetable, participants may prepare for the relevant stages in good time. Moreover, the timetable will increase the transparency of the procedure.

Amendment 350

Teresa Riera Madurell

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. The grant agreement shall establish the rights and obligations of the participants, of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action.

Amendment

2. The grant agreement shall establish the rights and obligations of the participants, of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action. ***It shall comply with this Regulation and the provisions of Regulation (EU) No XX/XX [the Financial Regulation] and Regulation (EU) No XX/XX [the Delegated Regulation].***

Or. en

Amendment 351
Jean-Pierre Audy

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. ***The*** grant agreement shall establish the rights and obligations of the participants, of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action.

Amendment

2. ***Considering and complying with the stipulations of this Regulation,*** the grant agreement shall establish the rights and obligations of the participants, of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action.

Or. en

Justification

This amendment should ensure that the grant agreement entirely considers this regulation and no new interpretations are integrated into the grant agreement.

Amendment 352

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. The grant agreement shall establish the rights and obligations of the participants, of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action.

Amendment

2. The grant agreement shall establish the rights and obligations of the participants ***and either*** of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action ***as well as the role and tasks of a consortium coordinator.***

Or. en

Justification

To ensure that the grant agreement entirely considers this regulation and no new interpretations are integrated into the grant agreement.

Amendment 353

Vicky Ford, Christian Ehler

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. The grant agreement shall establish the rights and obligations of the participants, of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action.

Amendment

2. The grant agreement shall establish the rights and obligations of the participants ***and either*** of the Commission or the relevant funding bodies. It shall also establish the rights and obligations of legal entities which become participants during the implementation of the action.

Or. en

Amendment 354
Jean-Pierre Audy

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. *The* grant agreement may establish rights and obligations of the participants with regard to access rights, exploitation and dissemination, additional to those laid down in this Regulation.

Amendment

3. ***On the basis of a work programme requirement, the*** grant agreement may establish rights and obligations of the participants with regard to access rights, exploitation and dissemination, additional to those laid down in this Regulation.

Or. en

Amendment 355
Marisa Matias

Proposal for a regulation
Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When research is conducted in a field relevant to the preservation of public health, the grant agreement shall contain provisions that foster accessibility of the results to Union and non-Union residents through socially responsible licensing strategies.

Or. en

Amendment 356
Britta Thomsen

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. The grant agreement shall, where

4. The grant agreement shall, where

appropriate, *reflect* the *general* principles laid down in Commission Recommendation on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers¹⁸.

appropriate, *contain provisions ensuring* the *respect of ethical* principles *and principles of research integrity, including the establishment of an independent ethics board and the right of the* Commission *to carry out an ethics audit as well as the establishment of an independent research integrity board* and the *right* of the *Commission to carry out a research integrity audit*.

Or. en

Amendment 357
Marita Ulvskog

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

4. The grant agreement shall, where appropriate, reflect the general principles laid down in Commission Recommendation on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers.

Amendment

4. The grant agreement shall, where appropriate, reflect the general principles laid down in Commission Recommendation on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers. *It will in particular include activities to promote the balanced representation of men and women in research teams and to ensure an adequate integration of the gender perspective in research content.*

Or. en

Amendment 358
Jean-Pierre Audy

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

4. The grant agreement shall, where

Amendment

4. The grant agreement shall, where

appropriate, reflect the general principles laid down in Commission Recommendation on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers.

appropriate, reflect the general principles laid down in Commission Recommendation on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers *as well as gender equality principle laid down in Article 15 of Regulation (EU) N° XX/XX [Horizon 2020]*.

Or. en

Amendment 359

Bendt Bendtsen, Jürgen Creutzmann, Reinhard Bütikofer, Paul Rübig, Edit Herczog, Patrizia Toia, Othmar Karas

Proposal for a regulation

Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission or the relevant funding body shall ensure that for grant agreements resulting from calls under the dedicated SME instrument the time between the deadline for proposals as established by the individual calls for proposals and the signature of the grant agreement, or where applicable the grant decision, shall be limited to a maximum period of five months.

Or. en

Amendment 360

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When research is conducted in a field relevant to the preservation of public

health, the grant agreement shall contain provisions that foster accessibility of the results through socially responsible licensing strategies.

Or. en

Amendment 361
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

5. The grant agreement shall, where appropriate, contain provisions ensuring the respect of ethical principles, including the establishment of an independent ethics board and the right of the Commission to carry out an ethics audit.

Amendment

5. The grant agreement shall, where appropriate ***and in any case for all projects in the area of security research***, contain provisions ensuring the respect of ethical principles, including the establishment of an independent ethics board and the right of the Commission to carry out an ethics audit.

Or. en

Amendment 362
Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

5. The grant agreement shall, where appropriate, contain provisions ensuring the respect of ethical principles, including the establishment of an independent ethics board and the right of the Commission to ***carry out*** an ethics audit.

Amendment

5. The grant agreement shall, where appropriate, contain provisions ensuring the respect of ethical principles ***and fundamental rights***, including the establishment of an independent ethics board and the right of the Commission to ***delegate*** an ***independent*** ethics audit.

Or. en

Amendment 363
Teresa Riera Madurell

Proposal for a regulation
Article 16 – paragraph 6

Text proposed by the Commission

6. Specific grants for actions may form part of a framework partnership according to the provisions of Regulation (EU) No XX/2012 [the Financial Regulation] and Regulation (EU) No [the Delegated Regulation].

Amendment

6. *In exceptional and duly justified cases* specific grants for actions may form part of a framework partnership according to the provisions of Regulation (EU) No XX/XX [the Financial Regulation] and Regulation (EU) No XX/XX [the Delegated Regulation].

Or. en

Amendment 364
Gunnar Hökmark

Proposal for a regulation
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Time to grant

The Commission or the relevant funding body shall ensure that the time between the deadline for proposals as established by the individual calls for proposals and the signature of the grant agreement, or where applicable the grant decision, shall as a general rule be limited to four months, with a possibility to extend the time to signature of the grant agreement up to maximum period of six months

Or. en

Amendment 365

Bernd Lange

Proposal for a regulation

Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

If the research is performed in a field relevant to public health, the grant agreement shall include provisions to promote access to the research results for both citizens and non-citizens of the Union by means of socially responsible technology transfer strategies.

Or. de

Justification

Research results obtained with the aid of public funding should be accessible to all. The rules governing European research should therefore be concerned not only with scientific excellence but also with social utility. One aspect of this is ensuring worldwide access to medicaments vital to life.

Amendment 366

Kent Johansson, Fiona Hall, Cristian Silviu Buşoi, Jens Rohde

Proposal for a regulation

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission or the relevant funding body shall ensure that the time between the deadline for proposals as established by the individual calls for proposals and the signature of the grant agreement, or where applicable the grant decision, shall be limited to a maximum period of six months. Due to the complexity of certain consortia, at least four months of this period should be given to participants to accept the grant offer.

The period may be extended by one month in exceptional cases.

Or. en

Amendment 367
Vicky Ford

Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Time to Grant

1. The average time to grant shall be six months from the date of the negotiation offer. The cumulative time taken by the Commission to complete their internal process including preparation of all relevant information and documentation, evaluation and signature of grant agreements shall be no more than 60 working days. Participants shall be given no less than 60 working days cumulatively to prepare all relevant information and documentation required.

2. Where appropriate to the nature of any specific call, due consideration should be given to a two stage evaluation procedure in order to reduce the costs of preparing proposals which are unsuccessful. For two stage procedures the average time to grant shall be nine months. There should be consistency in the format of the outline of proposals where a two stage process is used and applicants must have sufficient time to prepare stage two of the bid.

3. The Commission shall endeavour to make decisions or requests for information as promptly as reasonably practical. The Commission shall avoid obliging participants to re-draft or re-negotiate parts of an initial successful bid,

unless there is a reasonable and justified reason for doing so.

4. Participants shall be given reasonable amounts of time to prepare information and documentation required for projects.

5. When designing the application documents and setting time limits, the Commission shall be sensitive to the fact that SMEs and university academics in particular typically have little, if any, specific capacity to deal with the preparation of administrative documents. Repetitive elements of the application, grant agreement or supporting documents should be avoided. The Commission shall refrain from asking participants for information which is already available within the administration, unless it needs to be updated. In this respect, the Commission shall apply the "only once" principle whereby information submitted once to the administration should not be asked for again by another service of the administration i.e. enterprises should not be obliged to provide information all over again that authorities have already received by another route.

6. The Commission shall seek, where possible, to avoid timing calls such that they will require potential participants to submit documentation during standard academic and business vacation periods.

7. The Commission shall aim to limit the time it takes to prepare the necessary paperwork once a grant agreement has been made to 15 working days.

8. In appropriate cases, such as for SMEs, the Commission may usefully be allowed to waive the obligation for participants to submit part or all of the documentary evidence required if such evidence has already been submitted to them recently for another procedure and provided the relevant documents were issued within a fixed reasonable time period and are still valid. In such cases, the participant

concerned could be invited to declare on his honour that the documentary evidence has already been provided in a previous procedure - to be specified - and to confirm that there has been no change in the situation.

9. The Commission shall not be allowed to request participants to provide facts or data which the Commission can verify easily and free of charge in an authenticated, electronically accessible database (e.g. company data).

10. The Commission shall not set targets on the level of subscription for individual calls.

Or. en

Amendment 368
Luigi Berlinguer

Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Time to Grant

The Commission or the relevant funding body shall ensure that the time between the deadline for proposals as established by the individual calls for proposals and the signature of the grant agreement, or where applicable the grant decision, shall be limited to a maximum period of six months. A prolongation by one additional month may be applied in exceptional cases. Consequences for both the Commission and participants should be provided. For example after the period of six months the Commission will be obliged to stipulate the grant agreement and the participant in good faith will be able to start the implementation of the

research.

Or. en

Amendment 369
Vicky Ford

Proposal for a regulation
Article 17 b (new)

Text proposed by the Commission

Amendment

Article 17b

Time to Pay

- 1. Participants who have delivered the work which they were contracted to do, should be paid in a timely fashion.*
- 2. The Commission shall ensure that participants receive money owed to them within 30 days of the necessary paperwork being submitted to the Commission. The Commission shall notify the project coordinator and participants of any irregularities or additional paperwork within 2 weeks of information being submitted to the Commission. If no such notification is received the Commission shall be liable to the pay amounts owed.*
- 3. The Commission shall put in place measures to ensure that project coordinators distribute project money promptly as well as fairly and proportionally in accordance with the grant agreement and that money is shared among partners in proportion to what is owed to each partner. Unless agreed between all participants, project coordinators shall not withhold or phase pre-financing payments without the approval of the project officer, in particular for SMEs. Such arrangements should be made clear in consortium agreements and have the approval of the project officer.*

4. Once a payment has been made to the project coordinator, the Commission shall notify the participants of the amount that has been paid and the date on which the payment was made.

5. If one or more partner(s) have not completed the work they have been contracted to do or they have not submitted the required information or documentation to the project Coordinator or the Commission, it shall not prevent the project coordinator from submitting documentation to the Commission on behalf of other partner(s) or the Commission from issuing payment to other partner(s).

6. In cases where new partners enter into a project after the grant agreement has been negotiated, this shall not alter the amount of funding allocated to the original partners unless agreed by the original partners or unless the amount of work required by them will be significantly different.

7. The Commission shall implement a hierarchical auditing process where they will ensure the beneficiaries' auditors are to an approved standard and comply to the auditing requirements of Horizon 2020. This will avoid the need for multiple audits, making the administrative process clearer and easier for participants. The Commission shall refrain from asking for extra information once an audit has already been submitted.

8. The EU will be required to report on its payment performance by producing bi-annual statistics that present payment times for completed work pieces. Payment times shall be defined as the time from final sign-off of the completed project by both the project coordinator and project officer (this time period itself to be no longer than one month from project completion date) to the availability of cleared funds in the participant's bank

account.

9. At the request of the participant, grant agreements shall respect the academic and business calendar. For example, this will especially apply to projects which need to recruit PhD students and who are not likely to be available during the middle of the academic calendar.

Or. en

Amendment 370
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 17 c (new)

Text proposed by the Commission

Amendment

Article 17c

Communications

1. The ethics approval process shall be transparent to participants and to applicants, especially when this process is the source of a delay in the initiation of projects. Information that has already been submitted in the bid should not need to be re-drafted for the ethical approval. Where possible, the Commission shall use all the information that has already been submitted by the applicant(s) in the bid in order to make its approval and shall only ask for additional information where it can prove that this information is absolutely necessary.

2. Participants shall be able to communicate directly with project officers in cases where they have repeated concerns regarding the management of a project or the actions of the project coordinator. If the project officer is absent, he/she shall ensure that participants have the contact details for his/her deputy, who should be able to

make decisions in the project officer's absence. Contact details for the relevant Commission officials must be made available and made known to participants.

3. At the request of participants, and to enable them to prepare for future bids, the Commission shall give feedback to applicants on unsuccessful bids including the strengths and weaknesses as considered by the independent experts referred to in Article 37 of the Regulation.

Or. en

Amendment 371

Kent Johansson, Fiona Hall, Jens Rohde, Hannu Takkula

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

The Commission or the relevant funding body **may** establish a secure electronic system for exchanges with the participants. A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall constitute the signature of the document concerned.

Amendment

The Commission or the relevant funding body **shall** establish a secure electronic **application** system for exchanges with the participants, **that shall inform applicants of the details and timeline of their application, in an easily accessible format. This system shall provide feedback to applicants so they know when they are likely to receive a decision from the Commission or relevant funding body.** A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall constitute the signature of the document concerned.

Or. en

Amendment 372
Norbert Glante

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

The Commission ***or the relevant funding body may*** establish a secure electronic system for exchanges with the participants. A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall constitute the signature of the document concerned.

Amendment

The Commission ***shall*** establish a secure electronic system ***as the single entry point*** for exchanges with the participants. A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall constitute the signature of the document concerned.

Or. de

Justification

A uniform secure database system managed by the Commission for all project participants for the purpose of administering projects from the submission stage to final completion can greatly increase transparency and simplify matters.

Amendment 373
Alyn Smith

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

The Commission ***or the relevant funding body may*** establish a secure electronic system for exchanges with the participants. A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall

Amendment

The Commission ***shall*** establish a secure electronic system for exchanges with the participants. A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall constitute the

constitute the signature of the document concerned.

signature of the document concerned.

Or. en

Amendment 374

Ioannis A. Tsoukalas

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

The Commission or the relevant funding body **may** establish a secure electronic system for exchanges with the participants. A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall constitute the signature of the document concerned.

Amendment

The Commission or the relevant funding body **shall** establish a secure electronic system for exchanges with the participants. A document submitted by means of this system, including grant agreements, shall be deemed to be the original of that document where the user identification and password of the participant's representative have been used. Such identification shall constitute the signature of the document concerned.

Or. en

Amendment 375

Jean-Pierre Audy, Christian Ehler, Maria Da Graça Carvalho

Proposal for a regulation

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Participants may submit to the Commission clarifications or interpretations relating to the application of the rules governing participation in the Horizon 2020 framework programme. In such cases, if the Commission does not reply within two months, the participant's position shall be deemed to have been endorsed.

Justification

Many participants complain that the Commission takes a long time to reply, if it replies at all, to requests for clarifications or interpretations regarding the application of the rules governing participation. This arrangement will make for a more balanced relationship between the Commission and beneficiaries.

Amendment 376**Jean-Pierre Audy****Proposal for a regulation****Article 19 – paragraph 2***Text proposed by the Commission*

2. Participants shall make no commitments which are incompatible with the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility of each participant shall be limited to its own debt, subject to the provisions relating to the Fund. The participants shall ensure that the Commission or funding body is informed of any event which might affect the implementation of the action or the interests of the Union.

Amendment

2. Participants shall make no commitments which are incompatible with ***this regulation and*** the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility ***relevant to the technical development of activities of the action of*** each participant shall be limited to its own debt, subject to the provisions relating to the Fund. ***The financial responsibility of each participant relevant to the breach of confidential agreements set by the grant agreement and/or the consortium agreement is not limited by the own debt of the participants.*** The participants shall ensure that the Commission or funding body is informed of any event which might affect the implementation of the action or the interests of the Union.

Justification

The liability of any participant in an action can not be limited to own debt in case that a breach of the confidential agreement's provision relevant either to the background and/or to the foreground.

Amendment 377

Lambert van Nistelrooij

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission

2. Participants shall make no commitments which are incompatible with the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility of each participant shall be limited to ***its own debt***, subject to the provisions relating to the Fund. The participants shall ensure that the Commission or funding body is informed of any event which might affect the implementation of the action or the interests of the Union.

Amendment

2. Participants shall make no commitments which are incompatible with the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility of each participant shall be limited to ***the funding that it has directly received***, subject to the provisions relating to the Fund. The participants shall ensure that the Commission or funding body is informed of any event which might affect the implementation of the action or the interests of the Union.

Or. en

Justification

Further specification as to what “own debt” means is required. Given that participants in a project have joint/several liabilities for the technical implementation of the project, “own debt” could also be extended to the debt that is incurred for reason of not performing the obligations from another participant under the joint/several technical liabilities. A participant should not be financially liable for funding that it has not directly received itself.

Amendment 378

Kathleen Van Brempt, Ivo Belet, Philippe De Backer

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission

2. Participants shall make no commitments which are incompatible with the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility of each participant shall be limited to ***its own debt***, subject to the provisions relating to the Fund. The participants shall ensure that the Commission or funding body is informed of any event which might affect the implementation of the action or the interests of the Union.

Amendment

2. Participants shall make no commitments which are incompatible with the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility of each participant shall be limited to ***the funding which was directly received***, subject to the provisions relating to the Fund. The participants shall ensure that the Commission or funding body is informed of any event which might affect the implementation of the action or the interests of the Union.

Or. en

Justification

The principle of “own debt” needs to be clarified. In projects, participants have joint liabilities. It needs to be avoided that “own debt” is extended to one participant, when another participant is not performing as it should. A participant should never be financially liable for funding that it has not directly received itself.

Amendment 379

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission

2. Participants shall make no commitments

Amendment

2. Participants shall make no commitments

which are incompatible with the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility of each participant shall be limited to its own debt, subject to the provisions relating to the Fund. The participants shall ensure that the Commission or funding body is informed of any event which might affect the implementation of the action or the interests of the Union.

which are incompatible with the grant agreement. Where a participant fails to comply with its obligations regarding the technical implementation of the action, the other participants shall comply with the obligations without any additional Union funding unless the Commission or funding body expressly relieves them of that obligation. The financial responsibility of each participant shall be limited to its own debt, subject to the provisions relating to the Fund. The participants shall ensure that the Commission or funding body is informed of any *serious* event which might affect the implementation of the action or the interests of the Union.

Or. en

Amendment 380

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

3. The participants shall implement the action and shall take all necessary and reasonable measures to that end. They shall have the appropriate resources as and when needed for carrying out the action. Where it is necessary for the implementation of the action, they may call upon third parties, including subcontractors, to carry out certain elements of the action or may use resources made available by third parties by means of contributions in kind according to the conditions set out in the grant agreement. The participant shall retain sole responsibility towards the Commission or the relevant funding body and towards the other participants for the work carried out.

Amendment

3. The participants shall implement the action and shall take all necessary and reasonable measures to that end. They shall have the appropriate resources as and when needed for carrying out the action. Where it is necessary for the implementation of the action, they may call upon third parties, including subcontractors, to carry out certain elements of the action or may use resources made available by third parties by means of contributions in kind according to the conditions set out in the grant agreement. The participant shall retain sole responsibility towards the Commission or the relevant funding body and towards the other participants for the work carried out.

Or. en

Amendment 381
Jean-Pierre Audy, Antonio Cancian

Proposal for a regulation
Article 19 – paragraph 4

Text proposed by the Commission

4. The award of subcontracts for carrying out certain elements of the action shall be limited to the cases provided for in the grant agreement.

Amendment

4. The award of subcontracts for carrying out certain elements of the action shall be limited to the cases provided for in the grant agreement ***except for those that can not be clearly foreseen at the time of its entry into force. A previous approval of the Commission shall be requested; such an approval can not be unreasonably denied.***

Or. en

Justification

A certain degree of flexibility is needed as a strict application of the rule can jeopardize the result of the action. Over the duration of the action and development of the research activity it could happen that a certain degree of flexibility concerning the subcontracting of some activity is needed and that was not foreseeable at the time of the entry into force.

Amendment 382
Pilar del Castillo Vera, Alejo Vidal-Quadras, Maria Da Graça Carvalho

Proposal for a regulation
Article 19 – paragraph 4

Text proposed by the Commission

4. The award of subcontracts for carrying out certain elements of the action shall be limited to the cases provided for in the grant agreement.

Amendment

4. The award of subcontracts for carrying out certain elements of the action shall be limited to the cases provided for in the grant agreement ***except for those that can not be clearly foreseen at the time of its entry into force. A previous approval of the Commission shall be requested; such an approval can not be unreasonably***

denied.

Or. en

Amendment 383

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

4. The award of subcontracts for carrying out certain elements of the action shall be limited to the cases provided for in the grant agreement.

Amendment

4. The award of subcontracts for carrying out certain elements of the action shall be limited to the cases provided for in the ***model*** grant agreement.

Or. en

Amendment 384

Adam Gierek

Proposal for a regulation

Article 19 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Third parties ***other than*** subcontractors may carry out part of ***a participant's*** work ***under the action, provided that the third party and the work to be carried out by it are*** identified in the grant agreement.

Amendment

Budgeting for a potential (undisclosed) number of third parties ***(not including project*** subcontractors) ***who*** may carry out part of ***the research*** work ***requires that their involvement be*** identified in the grant agreement.

Or. pl

Justification

The project coordinator is unable to foresee the implementation requirements in their entirety, especially as regards services of no scientific significance.

Amendment 385

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 19 – paragraph 9

Text proposed by the Commission

9. Participants shall comply with national legislation, regulations and ethical rules in the countries where the action will be carried out. Where appropriate, participants shall seek the approval of the relevant national or local ethics committees prior to the start of the action.

Amendment

9. Participants shall comply with national legislation, regulations and ethical rules in the ***Union and associated*** countries where the action will be carried out. Where appropriate, participants shall seek the approval of the relevant national or local ethics committees prior to the start of the action. ***Actions which are carried out by third countries and funded by the Commission shall comply with the Union legislation.***

Or. en

Amendment 386

Britta Thomsen

Proposal for a regulation

Article 19 – paragraph 9

Text proposed by the Commission

9. Participants shall comply with national legislation, regulations ***and*** ethical rules in the countries where the action will be carried out. Where appropriate, participants shall seek the approval of the relevant national or local ethics committees prior to the start of the action.

Amendment

9. Participants shall comply with national legislation, regulations, ethical rules ***and principles of research integrity*** in the countries where the action will be carried out. Where appropriate, participants shall seek the approval of the relevant national or local ethics committees prior to the start of the action.

Or. en

Amendment 387

Luigi Berlinguer

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator which shall be identified in the grant agreement.

Amendment

1. The members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator which shall be identified in the grant agreement.

The coordinator shall be the mandatory contact between the members of consortium, represent the consortium in relations with the Commission or the relevant funding body and monitor the compliance by members of consortium with their obligations under the grant agreement.

Or. en

Amendment 388
Silvia-Adriana Țicău

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator which shall be identified in the grant agreement.

Amendment

1. The members of any consortium wishing to participate in an action shall appoint one of them to act as coordinator which shall be identified in the grant agreement.

The coordinator shall be the principal point of contact between members of the consortium, represent the consortium in its dealings with the Commission or the financial bodies concerned and monitor compliance by members of the consortium with their obligations under the grant agreement.

Or. ro

Amendment 389
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The members of a consortium participating in an action shall conclude an internal agreement (the consortium agreement), *except in duly justified cases provided for in the work programme or work plan or call for proposals.*

Amendment

2. The members of a consortium participating in an action shall conclude an internal agreement ***that establishes the rights and obligations of the members in the consortium*** (the consortium agreement). ***This however shall not prevent individual members of the consortium from being able to enter into direct dialogue with the Commission or the relevant funding body, in particular when they have concerns over the actions of the coordinator.***

Or. en

Amendment 390
Norbert Glante

Proposal for a regulation
Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall publish, together with the invitation to submit project proposals, guidelines concerning the principal issues which participants can deal with in their consortium agreements.

Or. de

Justification

During the current period, guidelines and a model consortium agreement are already often used, and this approach has shown itself to be of value; they should therefore be included as standard in the rules on participation under Horizon 2020.

Amendment 391
Luigi Berlinguer

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. The consortium may propose to add or remove a participant in accordance with the respective provisions of the grant agreement, provided that this change is in conformity with the ***conditions for*** participation, does not adversely affect the implementation of the action and is not contrary to the principle of equal treatment.

Amendment

3. The consortium may propose to add or remove a participant ***or change a coordinator*** in accordance with the respective provisions of the grant agreement ***and the consortium agreement***, provided that this change is in conformity with the ***rules for*** participation, does not adversely affect the implementation of the action and is not contrary to the principle of equal treatment.

Or. en



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

2011/0399(COD)

3.7.2012

AMENDMENTS 392 - 576

Draft report
Christian Ehler
(PE489.632v01-00)

on the proposal for a regulation of the European Parliament and of the Council
laying down the rules for the participation and dissemination in 'Horizon 2020
- the Framework Programme for Research and Innovation (2014-2020)'

Proposal for a regulation
(COM(2011)0810 – C7-0465/2011 – 2011/0399(COD))

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PE492.763v01-00

EN

United in diversity

EN

AM_Com_LegReport

Amendment 392
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. The following shall be considered as receipts of the action: *deleted*

(a) Resources made available by third parties to the participants by means of financial transfers or contributions in kind free of charge, provided that they have been contributed by the third party specifically to be used in the action;

(b) Income generated by the action, except income generated by the exploitation of the results of the action;

(c) Income generated from the sale of assets purchased under the grant agreement up to the value of the cost initially charged to the action by the participant.

Or. en

Amendment 393
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) Resources made available by third parties to the participants by means of financial transfers or contributions in kind free of charge, provided that they have been contributed by the third party specifically to be used in the action; *deleted*

Or. en

Amendment 394
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 2 – point b

Text proposed by the Commission

Amendment

*(b) Income generated by the action, except
income generated by the exploitation of
the results of the action;* *deleted*

Or. en

Amendment 395
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 2 – point c

Text proposed by the Commission

Amendment

*(c) Income generated from the sale of
assets purchased under the grant
agreement up to the value of the cost
initially charged to the action by the
participant.* *deleted*

Or. en

Amendment 396
**Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz
Marcinkiewicz**

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

*3. A single reimbursement rate of the
eligible costs shall be applied per action
for all activities funded therein. The* *deleted*

maximum rate shall be fixed in the work programme or work plan.

Or. en

Justification

Paragraphs 3-6 from Art. 22 should be moved to a new Art 22a in order to gain more clarity

Amendment 397
Hermann Winkler

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan. *deleted*

Or. de

Amendment 398
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan. *deleted*

Or. en

Amendment 399

Amalia Sartori, Antonio Cancian, Lara Comi, Gabriele Albertini, Aldo Patriciello

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. *A single reimbursement rate* of the eligible costs shall be applied per action *for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.*

Amendment

3. *The reimbursement rates* of the eligible costs *set out in paragraphs 4 and 5 below* shall be applied per action *depending on the nature of the activity being funded.*

Or. it

Justification

For each project it must be possible to carry out R&D and ‘close to the market’ activities. A framework should also be provided ensuring a degree of certainty and uniformity regarding the rules. The reimbursement rates must be established once and for all in the rules for participation and not year on year in programmes of activity or individual calls to tender.

Amendment 400

Kent Johansson, Fiona Hall, Jürgen Creutzmann

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. *A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.*

Amendment

3. The *funding model* shall *achieve the following:*

- a) real simplification for participants compared to FP7 in accordance with simplified audit procedures;*
- b) a strengthened possibility to participate for research organisations, universities and SMEs;*
- c) an increased industry participation compared to FP7, primarily through real*

simplification,

d) a broader acceptance of the usual accounting practices of the beneficiaries;

e) a flat rate option;

f) adherence to the rules on state aid, and to ensure the funding model does not lead to market distortions;

g) attract co-financing from structural funds related to capacity building activities;

Or. en

Justification

Larger economic incentives in terms of reimbursed costs compared to FP7 industry, while economic incentives in terms of reimbursed costs should not decrease compared to FP7;

Amendment 401

Jean-Pierre Audy

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. ***The maximum rate shall be fixed in the work programme or work plan.***

Amendment

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein.

Or. en

Justification

The proposed reimbursement rates are uncertain. The statement ‘The maximum rate shall be fixed in the work programme or work plan’ is ambiguous because it could imply that rates lower than the maximum rate of 100 or 70% can be set in the work programmes or work plans. Whatever model is chosen, it must be stipulated that the rates laid down in the participation rules are to be included in the work programme (and not maximum rates).

Amendment 402
Norbert Glante

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. A **single** reimbursement **rate** of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.

Amendment

3. A **maximum of two** reimbursement **rates** of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.

Or. de

Justification

Amendment made necessary by amendment to Article 22(5a).

Amendment 403
Norbert Glante

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.

Amendment

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. **Eligible costs may also include management costs.** The maximum rate shall be fixed in the work programme or work plan.

Or. de

Justification

The system of reimbursing substantiated management costs has proved its worth and should be retained.

Amendment 404

Claudio Morganti, Oreste Rossi, Fiorello Provera

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.

Amendment

3. ***Without prejudice to paragraph 4, a*** single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.

Or. en

Amendment 405

Bernd Lange

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. A single reimbursement rate of the eligible costs shall be applied ***per action for all activities funded therein***. The maximum rate shall be fixed in the work programme or work plan.

Amendment

3. A single reimbursement rate ***per activity within one project*** of the eligible costs shall be applied. The maximum rate shall be fixed in the work programme or work plan.

Or. en

Justification

Research organisations and universities suffer from reimbursement below 100% making it extremely difficult to participate in such projects. For instance, clinical studies would fall under demonstrating actions, but are mainly driven by academia. Such actions would definitely lead to a decrease in academic partners. Therefore, the core demonstration activity must be separated from other activities within an action and different reimbursement rates must exist for different activities.

Amendment 406
Lambert van Nistelrooij

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. ***A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.***

Amendment

3. Reimbursement of eligible costs shall be ***based on the following fixed rates per type of activity and per type of participant, depending on the method of cost calculation chosen by the participant:***

Or. en

(In reference to Amendment 53; PE489.632v01-00)

Justification

As a consequence from reintroducing the option for reimbursement on the basis of full-costs, the adjustment of the proposed reimbursement rates is deemed crucial to comply with the co-funding principle and prevent a substantial increase of Union costs per project. Instead of a single reimbursement rate, a reduced set of reimbursement rates with due regard to method of cost calculation and type of participant shall be used, based on the conditions set out in this table.

Amendment 407
Vicky Ford, Lambert Van Nistelrooij

Proposal for a regulation
Article 22 – paragraph 3 – table (new)

Text proposed by the Commission

Amendment

<i>Type of activity</i>	<i>Method of cost calculation</i>	<i>Type of participant</i>	
		<i>University/ RTOs/ Other</i>	<i>Industry</i>
<i>Research & Development</i>	<i>direct costs + flat rate</i>	<i>100% + 20%</i>	<i>100% + 20%</i>
	<i>full costs</i>	<i>75%</i>	<i>-</i>
<i>Experimental Development</i>	<i>direct costs + flat rate</i>	<i>100% + 20%</i>	<i>70% + 20%</i>
	<i>full costs</i>	<i>75%</i>	<i>-</i>

Or. en

Justification

Justification: One of Europe's biggest problems is not basic research but turning basic research into marketable solutions. It is therefore necessary to give sufficient funding to close-to-market solutions.

Amendment 408

Andrzej Grzyb

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. *A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.*

Amendment

3. Reimbursement of eligible costs shall be *based on the following fixed rates per type of activity and per type of participant, depending on the method of cost calculation chosen by the participant:*

Or. en

Amendment 409

Andrzej Grzyb

Proposal for a regulation
Article 22 – paragraph 3 – table (new)

Text proposed by the Commission

Amendment

<i>Type of activity</i>	<i>Method of cost calculation</i>	<i>Type of participant</i>	
		<i>University/ RTOs / SME/ Other</i>	<i>Industry</i>
<i>Research & Development</i>	<i>direct costs + flat rate</i>	<i>100% + 20%</i>	<i>70% + 20%</i>
	<i>full costs</i>	<i>70%</i>	<i>50%</i>
<i>Close-to-market</i>	<i>direct costs + flat rate</i>	<i>100% + 20%</i>	<i>50% + 20%</i>
	<i>full costs</i>	<i>70%</i>	<i>35%</i>

Or. en

(See AM 13)

Amendment 410
Christian Ehler

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. *A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.*

Amendment

3. Reimbursement of eligible costs shall be *based on the following fixed rates per type of activity and per type of participant, depending on the method of cost calculation chosen by the participant:*

Or. en

Amendment 411
Christian Ehler

Proposal for a regulation Article 22 – paragraph 3 a – table (new)

Text proposed by the Commission

Amendment

<i>Type of activity</i>	<i>Method of cost calculation</i>	<i>Type of participant</i> <i>University/ RTOs/ Other</i>	<i>SME</i>	<i>Industry</i>
<i>Research & Development</i>	<i>total eligible costs + flat rate</i>	<i>100% + 20%</i>	<i>100% + 20%</i>	<i>70% + 20%</i>
	<i>full costs</i>	<i>70%</i>	<i>70%</i>	<i>50%</i>
<i>Experimental Development</i>	<i>total eligible costs + flat rate</i>	<i>100%+20%</i>	<i>70% + 20%</i>	<i>30% + 20%</i>
	<i>full costs</i>	<i>70%</i>	<i>50%</i>	<i>35%</i>

Or. en

Amendment 412
Vittorio Prodi

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate *shall be fixed* in the *work programme or work plan*.

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate *is defined as outlined* in the *paragraphs 4 and 5*.

Or. en

Justification

The maximum fundings rates must be established in this regulation. If fixed at the later stage at the work programme or work plan, the result will be less transparent and clear allocation of funds.

Amendment 413

Vittorio Prodi

Proposal for a regulation

Article 22 – paragraph 3 – table (new)

Text proposed by the Commission

Amendment

Type of Activity	Method of Cost Calculation	All Participants: Universities, RTOs/Other, SME and Industry
Research	Total direct eligible costs+flat rate	100% + 30%
Activities foreseen at art 22 § 5	Total direct eligible costs+flat rate	70% + 40%

Or. en

Amendment 414

Teresa Riera Madurell

Proposal for a regulation

Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

<i>Type of activity</i>	<i>Method of cost calculation</i>		
		<i>University/ RTOs/ Other</i>	<i>Industry</i>
<i>Research & Development</i>	<i>direct costs + flat rate</i>	<i>100% + 20%</i>	<i>70% + 20%</i>
	<i>full costs</i>	<i>70%</i>	
<i>Close-to-market</i>	<i>direct costs + flat rate</i>	<i>100% + 20%</i>	<i>30% + 20%</i>
	<i>full costs</i>	<i>70%</i>	

Or. en

Amendment 415

Paul Rübzig

Proposal for a regulation

Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Following single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein, including an option for reimbursement on full-cost basis:

Or. en

Justification

Due to the constant reduction of industry participation in the last framework programs substantial simplifications and a trust based as well as risk tolerant approach are necessary to boost industry participation which is a cornerstone of Horizon 2020. It is necessary to introduce a single reimbursement rate as an administrative simplification in light of complexity reduction. The option for reimbursement on a full-cost basis needs to be continued, as a second simplifying opportunity and reduction of administrative burdens, especially in light of expenses of industry on research.

Amendment 416

Paul Rübzig

Proposal for a regulation
Article 22 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

<i>Type of activity</i>	<i>Method of cost calculation</i>	<i>single rate for all participants</i>
<i>Research & Development</i>	<i>direct costs + flat rate</i>	<i>100% + 20%</i>
	<i>full costs</i>	<i>70%</i>
<i>Close-to-market</i>	<i>direct costs + flat rate</i>	<i>70% + 20%</i>
	<i>full costs</i>	<i>70%</i>

Or. en

Justification

If different combinations of funding rates and definitions of indirect costs for different types of participants are permitted, the overall postulated aim to increase participation of industry significantly will not be reached. It is necessary to introduce a single reimbursement rate as an administrative simplification to reduce complexity in allocation methods. The option for reimbursement on a full-cost basis needs to be continued, as a second simplifying opportunity and reduction of administrative burdens, especially in light of expenses of industry on research.

Amendment 417

Kathleen Van Brempt, Ivo Belet, Philippe De Backer

Proposal for a regulation

Article 22 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Eligible costs shall be composed of costs attributable directly to the action, hereinafter 'direct eligible costs' and,

where applicable, of costs which are not attributable directly to the action, but which have been incurred in direct relationship with the direct eligible costs attributed to the action, hereinafter 'indirect eligible costs'.

Or. en

Amendment 418

Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

**Proposal for a regulation
Article 22 – paragraph 4**

Text proposed by the Commission

Amendment

<i>4. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.</i>	<i>deleted</i>
--	-----------------------

Or. en

Justification

Paragraphs 3-6 from Art. 22 should be moved to a new Art 22a in order to gain more clarity

Amendment 419

Christian Ehler

**Proposal for a regulation
Article 22 – paragraph 4**

Text proposed by the Commission

Amendment

<i>4. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.</i>	<i>deleted</i>
--	-----------------------

Or. en

Amendment 420

Marisa Matias

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.

deleted

Or. en

Amendment 421

Vicky Ford, Lambert van Nistelrooij

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.

4. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs ***for research and development activities for all participants and for Experimental Development activities for universities, RTOs and publically-funded institutions and bodies***, without prejudice to the co-financing principle.

Or. en

Amendment 422

Claudio Morganti, Oreste Rossi, Fiorello Provera

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

4. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs, *without prejudice to the co-financing principle*.

Amendment

4. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs, *in particular for organisations of persons with disabilities for all projects in which they participate*.

Or. en

Amendment 423

Kent Johansson, Fiona Hall, Jürgen Creutzmann

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

4. The Horizon 2020 grant may reach a maximum of **100** % of the total eligible costs, *without prejudice to the co-financing principle*.

Amendment

4. The Horizon 2020 grant may reach a maximum of **90** % of the total eligible costs *for universities, research organisations, research institutes and SMEs, and a maximum of 75% for industry*.

Or. en

Justification

These calculations are indicative and should be subject to further analysis, in cooperation with the European Commission and other stakeholders, to ensure that they comply with the aims and principles outlined in Article 22.

Amendment 424

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

4. The Horizon 2020 grant may reach a

Amendment

4. The Horizon 2020 grant may reach a

maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.

maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle, ***for non-profit public bodies, secondary and higher education establishments, research organisations and SMEs.***

Or. en

Amendment 425
Jean-Pierre Audy

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

4. ***The*** Horizon 2020 grant ***may reach a maximum*** of 100 % of the total eligible costs, without prejudice to the co-financing principle.

Amendment

4. ***Subject to compliance with non-profit requirement the*** Horizon 2020 grant ***shall be*** of 100 % of the total eligible costs, without prejudice to the co-financing principle.

Or. en

Justification

At the minimum, the participation rules should set fixed reimbursement rates applicable to all Horizon 2020 projects, provided that the non-profit rule is respected. Variations in rates in the work programmes would complicate the management of beneficiaries' projects.

Amendment 426
Kathleen Van Brempt, Ivo Belet, Philippe De Backer

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

4. The Horizon 2020 grant ***may reach a maximum of*** 100 % of the total eligible costs, without prejudice to the co-financing principle.

Amendment

4. The Horizon 2020 grant ***shall amount to*** 100 % of the total eligible costs, without prejudice to the co-financing principle.

Amendment 427
Gunnar Hökmark

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

4. The Horizon 2020 grant **may** reach a maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.

Amendment

4. The Horizon 2020 grant **shall** reach a maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.

Amendment 428

Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following actions:

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

(b) programme co-fund actions.

Amendment

deleted

Justification

Paragraphs 3-6 from Art. 22 should be moved to a new Art 22a in order to gain more clarity

Amendment 429
Kent Johansson, Fiona Hall

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

Amendment

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following actions: *deleted*

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

(b) programme co-fund actions.

Or. en

Amendment 430
Christian Ehler

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

Amendment

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following actions: *deleted*

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

(b) programme co-fund actions.

Or. en

Amendment 431
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

Amendment

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following actions:

deleted

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

(b) programme co-fund actions.

Or. en

Amendment 432
Vicky Ford, Lambert van Nistelrooij

Proposal for a regulation
Article 22 – paragraph 5 – introductory part

Text proposed by the Commission

Amendment

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for **the following actions:**

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for ***Experimental Development activities for non-publically funded institutions or bodies and industry participants.***

Or. en

Amendment 433
Jean-Pierre Audy

Proposal for a regulation
Article 22 – paragraph 5 – introductory part

Text proposed by the Commission

Amendment

5. **The** Horizon 2020 grant shall be **limited to a maximum** of 70 % of the total eligible

5. **Subject to compliance with the non-profit requirement, the** Horizon 2020 grant

costs for the following actions:

shall be of 70 % of the total eligible costs
for the following actions:

Or. en

Justification

At the minimum, the participation rules should set fixed reimbursement rates applicable to all Horizon 2020 projects, provided that the non-profit rule is respected. Variations in rates in the work programmes would complicate the management of beneficiaries' projects.

Amendment 434
Marian-Jean Marinescu

Proposal for a regulation
Article 22 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following actions:

Amendment

5. *Except for actions in the area of primary agricultural production*, the Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following actions:

Or. en

Amendment 435
Bernd Lange

Proposal for a regulation
Article 22 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following **actions**:

Amendment

5. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following **activities**:

Or. en

Justification

Research organisations and universities suffer from reimbursement below 100% making it extremely difficult to participate in such projects. For instance, clinical studies would fall under demonstrating actions, but are mainly driven by academia. Such actions would definitely lead to a decrease in academic partners. Therefore, the core demonstration activity must be separated from other activities within an action and different reimbursement rates must exist for different activities.

Amendment 436

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Horizon 2020 grant shall be limited to a maximum of **70** % of the total eligible costs for the following actions:

Amendment

5. The Horizon 2020 grant shall be limited to a maximum of **30** % of the total eligible costs for **industry for** the following actions:

Or. en

Amendment 437

Kathleen Van Brempt, Ivo Belet, Philippe De Backer

Proposal for a regulation

Article 22 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Horizon 2020 grant shall **be limited to a maximum of** 70 % of the total eligible costs for the following actions:

Amendment

5. The Horizon 2020 grant shall **amount to** 70 % of the total eligible costs for the following actions:

Or. en

Amendment 438

Christian Ehler

Proposal for a regulation
Article 22 – paragraph 5 – point a

Text proposed by the Commission

Amendment

***(a) actions primarily consisting of
activities such as prototyping, testing,
demonstrating, experimental
development, piloting, market replication;*** ***deleted***

Or. en

Amendment 439
Vicky Ford, Lambert van Nistelrooij

Proposal for a regulation
Article 22 – paragraph 5 – point a

Text proposed by the Commission

Amendment

***(a) actions primarily consisting of
activities such as prototyping, testing,
demonstrating, experimental
development, piloting, market replication;*** ***deleted***

Or. en

Amendment 440
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 5 – point a

Text proposed by the Commission

Amendment

***(a) actions primarily consisting of
activities such as prototyping, testing,
demonstrating, experimental
development, piloting, market replication;*** ***deleted***

Or. en

Amendment 441
Kent Johansson, Fiona Hall

Proposal for a regulation
Article 22 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

deleted

Or. en

Amendment 442
Hermann Winkler

Proposal for a regulation
Article 22 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) actions **primarily** consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

(a) actions consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication **with the exception of universities and research institutions and non-profit organisations and with the exception of projects whose predominant share includes actions under paragraph 4;**

Or. de

Amendment 443
Norbert Glante

Proposal for a regulation
Article 22 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating,

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating,

experimental development, piloting,
market replication;

experimental development, piloting,
market replication; ***except those parts of
the activity that only include research and
development. The costs of these parts
shall be reimbursed under Article 22(4).***

Or. de

Justification

It is fairer to exclude participants engaged in pure research - which may also be universities and research institutions – from the lower eligibility rate for innovation activities. Allocation by activity does not pose a significant administrative burden when carrying out a project. This ensures that the entire innovation chain can be covered flexibly inside a project.

Amendment 444

Bernd Lange

Proposal for a regulation

Article 22 – paragraph 5 – point a

Text proposed by the Commission

(a) **actions** primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

Amendment

(a) **activities** primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

Or. en

Justification

Research organisations and universities suffer from reimbursement below 100% making it extremely difficult to participate in such projects. For instance, clinical studies would fall under demonstrating actions, but are mainly driven by academia. Such actions would definitely lead to a decrease in academic partners. Therefore, the core demonstration activity must be separated from other activities within an action and different reimbursement rates must exist for different activities.

Amendment 445

Vicky Ford, Lambert van Nistelrooij

Proposal for a regulation
Article 22 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) programme co-fund actions. ***deleted***

Or. en

Amendment 446
Kent Johansson, Fiona Hall

Proposal for a regulation
Article 22 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) programme co-fund actions. ***deleted***

Or. en

Justification

Included in 22(5)

Amendment 447
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) programme co-fund actions. ***deleted***

Or. en

Amendment 448
Hermann Winkler

Proposal for a regulation
Article 22 – paragraph 5 – point b

Text proposed by the Commission

(b) programme co-fund actions.

Amendment

(b) programme co-fund actions. ***When provided for in the work programme, it is possible to accumulate funding from various Union funds, and the cohesion policy in particular.***

Or. de

Amendment 449
Adina-Ioana Vălean

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By way of derogation from paragraph 5, actions in the area of primary agricultural production shall benefit from grants covering 100% of the total eligible costs.

Or. en

Amendment 450
Silvia-Adriana Țicău

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By way of derogation from paragraph 5, demonstration, experimental and pilot projects as well as innovative actions with positive impact on the environment in the area of primary agricultural production shall benefit from grants of 100% of the total eligible costs.

Justification

In agriculture many innovative measures that can be promoted at farm level (for example replacing pesticides with insects to combat invaders) create environmental public goods, such as healthier soil. However, as opposed to other productive sectors, innovative agricultural techniques are not reflected in the final price of the products. A pepper is always a pepper even if crop techniques evolve, as opposed to new industrial gadgets, which are immediately visible on the market. Unless 100% covered the farmers would not have the incentive to innovate.

Amendment 451**Vasilica Viorica Dăncilă****Proposal for a regulation****Article 22 – paragraph 5 a (new)***Text proposed by the Commission**Amendment*

5a. By way of derogation from paragraph 5, actions in the area of primary agricultural production may benefit from grants reaching a maximum of 100% of the total eligible costs.

Amendment 452**Rareș-Lucian Niculescu****Proposal for a regulation****Article 22 – paragraph 5 a (new)***Text proposed by the Commission**Amendment*

5a. By way of derogation from paragraph 5, actions in the area of primary agricultural production will benefit from grants covering maximum 100% of the total eligible costs.

Amendment 453
Vittorio Prodi

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The choice of the reimbursement rate applies to all actions, in all calls of Horizon 2020 and equally to all participants in an action. The reimbursement rates for actions mixing research and activities mentioned in Article 22 5(a) and 5(b), shall be determined by the nature of each activity as defined in each work package.

Or. en

Justification

The funding rate applicable to actions shall be either a maximum of 100% or up to 70%, for actions combining the two kinds of activities this rule is to be applied as well. For sake of clarity and simplicity, activities mentioned in Article 22 § 5 shall be identified in a specific work package. Without such clarity, the objective of the call will be jeopardised, and the participation of research centres and universities to mixed calls will be dramatically reduced.

Amendment 454
Vittorio Prodi, Patrizia Toia

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The reimbursement of full management activities', such as coordination, logistic, organization, management advise and supervision shall be identified in a specific work package and considered as direct costs and it is submitted to the rules applied for actions for which they have been incurred either

at a maximum of 100% or up to 70%. The amount of this work package for the management costs shall not exceed 7% of the overall budget dedicated to the action.

Or. en

Justification

In order to ensure transparency and legal certainty to the reimbursement of management costs it is necessary to consider it a direct cost. This is also in order to ensure an adequate funding of the coordination tasks that are essential in some activities.

Amendment 455
Francesco De Angelis

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Concerning programme cofunding actions, the applicable rate is set out in the work programme. For the purposes of this Regulation and in accordance with Article [119] of Regulation (EU) No XX/XX [the Financial Regulation], co-funding may take the form of cumulative financing from separate budget lines in justified cases provided for in the work programme, without prejudice to the avoidance of double-funding of the same cost item.

Or. it

Justification

It is necessary to clarify the co-funding conditions with particular reference to the rate applicable and the possibility of cumulative funding.

Amendment 456
Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Regarding the costs of management, dissemination and coordination activities, the coordinating participant shall receive a maximum flat rate of 7% of eligible direct costs to cover the costs of management and coordination activities. The Commission shall establish a digressive scale for those costs so that the flat rate is inversely proportionate to the total cost of the action.

Or. en

Amendment 457

Antonio Cancian

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. All management costs (coordination, logistics, organisation, management consulting and supervision) shall constitute a specific component and shall be reimbursed at the same rate as the direct costs of the relevant action. Reimbursement of such costs shall not exceed 7% of the total budget for the action.

Or. it

Amendment 458
Lambert van Nistelrooij

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Regarding the costs of management and coordination activities, the coordinating participant shall receive an additional lump sum or flat rate of 7% of total eligible direct costs to cover the costs of management and coordination activities, to be detailed further in the model grant agreement.

Or. en

(In reference to Amendment 57; PE489.632v01-00)

Justification

By assigning a lump sum of 7%, the reimbursement will concern solely a maximum of 7%, even if the actual costs are lower. This construction prevents that an amount will be left uncovered for the coordinating organization. Moreover, the administrative (auditing) burden of a lump sum are much lower than an actual-cost-reimbursement. Total eligible direct costs cover all costs of all participants, and not merely those of the coordinating organization.

Amendment 459
Kent Johansson, Fiona Hall

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. To cover costs for the management and coordination of the action, each action shall receive an additional lump sum corresponding to 5% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties. This lump sum is to be managed at the

discretion of the consortium.

Or. en

Amendment 460
Judith A. Merkies

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The costs incurred by the project coordinator in coordinating Horizon 2020 projects shall be fully reimbursed up to a ceiling of 5% of the total direct project costs. The costs of dissemination of project results shall be reimbursed in full.

Or. nl

Amendment 461
Claudiu Ciprian Tănăsescu

Proposal for a regulation
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By way of derogation from paragraph 5, actions in the area of agricultural production and rural development linked to the production of public goods involving prototyping, testing, demonstrating, experimental development, piloting and market replication, shall benefit from grants covering 100% of the eligible costs

Or. en

Amendment 462

Vicky Ford, Lambert van Nistelrooij

Proposal for a regulation

Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Universities, RTOs and publically-funded institutions and bodies may decide to use full cost accounting, in which case the Horizon 2020 grant shall be limited to a maximum of 75% of full costs for all types of activities.

Or. en

Amendment 463

Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 22 – paragraph 6

Text proposed by the Commission

Amendment

6. The reimbursement rates determined in this Article shall also apply in the case of actions where flat rate, scale of unit or lump-sum financing is fixed for the whole or part of an action. ***deleted***

Or. en

Justification

Paragraphs 3-6 from Art. 22 should be moved to a new Art 22a in order to gain more clarity

Amendment 464

Marisa Matias

Proposal for a regulation

Article 22 – paragraph 6

Text proposed by the Commission

Amendment

6. The reimbursement rates determined in this Article shall also apply in the case of actions where flat rate, scale of unit or lump-sum financing is fixed for the whole or part of an action.

deleted

Or. en

**Amendment 465
Gunnar Hökmark**

**Proposal for a regulation
Article 22 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

6a. To cover costs for the management and coordination of the action, each action shall receive an additional lump sum corresponding to 5% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties. This lump sum is to be managed at the discretion of the consortium.

Or. en

**Amendment 466
Gunnar Hökmark**

**Proposal for a regulation
Article 22 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

6a. Regarding the validation process that is used to validate and verify the type of

participant, the records of the Unique Registration facility, including the Participation Identification code shall be used to the greatest possible extent. For entities that have been validated in previous framework programmes, no repeated validations shall be necessary, unless the entity's legal nature has changed or, in case of SMEs, a company has exceeded the requirements of the SME definition.

Or. en

Amendment 467
Hermann Winkler

Proposal for a regulation
Article 22 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Costs arising from the coordination of consortia may be reimbursed at an additional flat rate of 7% of the total eligible costs of the project.

Or. de

Justification

This corresponds to the reimbursement scheme for consortia management and coordination costs in the 6th Research Framework Programme. Without adequate reimbursement rules, the task of coordinating and managing consortia would be even less attractive.

Amendment 468
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 22 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In cases where projects are completed under-budget or money allocated to a project has not been spent, the Commission shall provide the appropriate means to allow money to be returned to the Horizon 2020 budget.

Or. en

Amendment 469

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 22 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In case of public and non-profit institutions, the Horizon 2020 grant should reach a maximum of 100% of the total eligible costs for all type of actions, as there are no co-financing possibilities.

Or. en

Amendment 470

Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22 a

Maximum reimbursement rates

1. The Horizon 2020 grant may reach a maximum of 100 % of the total eligible costs, without prejudice to the co-financing principle.

2. The Horizon 2020 grant shall be limited to a maximum of 70 % of the total eligible costs for the following actions:

(a) actions primarily consisting of activities such as prototyping, testing, demonstrating, experimental development, piloting, market replication;

(b) programme co-fund actions.

3. A single reimbursement rate of the eligible costs shall be applied per action for all activities funded therein. The maximum rate shall be fixed in the work programme or work plan.

4. The reimbursement rates determined in this Article shall also apply in the case of actions where flat rate, scale of unit or lump-sum financing is fixed for the whole or part of an action.

Or. en

Justification

Paragraphs 3-6 from Art. 22 should be moved to a new Art 22a in order to gain more clarity

Amendment 471
Vittorio Prodi
Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. Conditions for eligibility of costs are defined in Article X of Regulation (EU) No xx [the Financial Regulation/Delegated Regulation]. Costs incurred by third parties under the action may be eligible according to the provisions of this Regulation and of the grant agreement.

Amendment

1. In order to be considered eligible, direct costs incurred in the implementation of an action must meet the following conditions:

(i) They must have been incurred during the implementation of the action, must include full salary and the costs of

research infrastructure that are considered as direct costs, with the exception of final reports where provided for in the grant agreement;

(ii) They must have been determined as actual costs in accordance with the usual accounting and management principles and practices of the participants;

(iii) Participants will be authorised to use the rates accepted by national authorities for comparable activities on condition that they have obtained a certification on the methodology from an independent auditor;

(iv) They must have been used for the sole purpose of achieving the objectives of the action and its expected results, in a manner consistent with the principles of economy, efficiency and effectiveness;

(v) They must be recorded in the accounts of the participants and, in the case of any contribution from third parties, they must be recorded in the accounts of the third parties;

(vi) They must ensure that the principle of non-discrimination applies to all employees.

Or. en

Justification

Eligibility of costs must have legal certainty. While a financial regulation has yet to be approved, the definition of eligible costs is essential to provide a sound base for the evaluation of the funding rates. For the sake of simplification, beneficiaries can be authorised to use the rates accepted by national authorities for comparable activities on the condition that they have obtained the certification on the methodology from an independent auditor.

Amendment 472
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. Conditions for eligibility of costs are defined in Article X of Regulation (EU) No xx [the Financial Regulation/Delegated Regulation]. Costs incurred by third parties under the action may be eligible according to the provisions of this Regulation and of the grant agreement.

Amendment

1. Conditions for eligibility of costs are defined in Article X of Regulation (EU) No xx [the Financial Regulation/Delegated Regulation]. Costs incurred by third parties under the action may be eligible according to the provisions of this Regulation and of the grant agreement. ***Costs associated with the use of internal or shared facilities, equipment and services may also be eligible according to the provisions of this Regulation and of the grant agreement.***

Or. en

Justification

Participants have explained that under previous FPs, in order to recover costs they have to use a third party in order to have an invoice which they can claim back, even though using internal facilities would often be easier and cheaper.

Amendment 473
Jean-Pierre Audy

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For personnel costs, direct charges and social charges are considered eligible if and to the extent they fulfil all the following criteria:

- (a) the charges are mandatory under the applicable legislation or sector agreements, or resulting from measures based on such legislation or agreements;***
- (b) they can be directly or indirectly linked to the remuneration of personnel;***
- (c) they are recorded according to the usual accounting principles of the beneficiary concerned;***

(d) they are effectively incurred during the duration of the project and have been paid or will be paid obligatorily at a later date and reflected in the account of the beneficiary.

Or. en

Justification

If the Financial Regulation rules out beneficiaries' permanent staff costs from eligibility, it will be necessary to include in the participation rules a derogation from the provisions of the Financial Regulation concerning this matter. In view of the difficulties encountered by participants in connection with previous RTD Framework Programmes, it is essential to create a more precise legal framework concerning the eligibility of these costs in the participation rules.

Amendment 474
Judith A. Merkies

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Relevant project costs relating to the procurement of equipment, materials or (other) capital goods required for the implementation of projects shall be eligible for subsidies from the first day of the month following the formal deadline for submitting project applications.

Or. nl

Amendment 475
Gunnar Hökmark

Proposal for a regulation
Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Value added tax (VAT) shall be considered as eligible cost if the beneficiary can not be reimbursed according to the national legislation.

Or. en

Amendment 476

Patrizia Toia

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Value-added tax ('VAT') that is paid by, and that cannot be refunded to, the beneficiary according to the applicable national legislation, shall be considered as eligible costs as well as duties of the airport taxes, all taxes and charges related to personnel. As an exception, consultants' costs may be considered as personnel costs if the conditions established in the model grant agreement are fulfilled.

Or. en

Justification

The inclusion of VAT in eligible costs is part of the Parliaments report on the Financial Regulation (Art. 117a (3c)) and currently subject of trialogue negotiations. In Horizon 2020 simplification is necessary, so a clear lists of eligible costs should be suitable.

Amendment 477

Cristina Gutiérrez-Cortines

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Costs enabling a better reconciliation of private and professional life, or that make the participation of women researchers during the project lifecycle easier, shall be eligible without any lowering of the total eligible costs.

Or. en

Amendment 478

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Costs enabling a better reconciliation of private and professional life or facilitating the participation of women researchers during the project lifecycle shall be eligible without reducing the total of eligible costs.

Or. en

Amendment 479

Francesco De Angelis

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Value-added tax ('VAT') that is paid by, and that cannot be refunded to, the beneficiary according to the applicable national legislation, shall be considered as eligible costs.

Or. it

Justification

The beneficiary should be also eligible for funding in respect of VAT-related expenditure.

Amendment 480

Luigi Berlinguer

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Value added tax ('VAT') and any other indirect tax paid by, and which cannot be refunded to, the beneficiary according to the applicable national legislation, shall be considered as eligible costs

Or. en

Amendment 481

Jean-Pierre Audy

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When covered by the participants, costs related to work-life balancing of researchers and innovators during the project lifecycle shall be eligible without reducing the total of eligible costs.

Or. en

Justification

When costs related to work-life balancing are met by the employer, they should also be covered by Horizon 2020.

Amendment 482

Vicky Ford

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where publications resulting from Horizon 2020 are to be published in an open access, free-to-read format, the cost of publishing may be determined as an eligible cost.

Or. en

Amendment 483

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If the value added tax ("VAT") is not recoverable under the applicable national legislation, VAT shall be considered as eligible cost.

Or. en

Amendment 484

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23 a

Direct costs

Direct costs shall be determined according to the participant's usual cost accounting practices.

Or. en

Amendment 485

Antonio Cancian

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined by applying a flat rate of 20% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment

1. Indirect eligible costs shall be determined by applying a flat rate of 20% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties. ***Such a flat rate shall increase to 40% in case of actions primarily consisting of those activities mentioned in Article 22(5).***

Or. en

Amendment 486

Marisa Matias

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined ***by applying a flat rate of 20% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as***

Amendment

1. Indirect eligible costs shall be determined by the ***rules applicable under Seventh Framework Programme.***

financial support to third parties.

Or. en

Amendment 487

Kathleen Van Brempt, Ivo Belet, Philippe De Backer

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined *by applying a flat rate of 20% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.*

Amendment

1. Indirect eligible costs shall be determined *based on the calculations of the participant's usual accounting principles and management practices. The calculations need to be based on costs that have actually been incurred and can be found in the accounts* of the beneficiary.

Or. en

Amendment 488

Vittorio Prodi, Patrizia Toia

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be *determined* by applying a flat rate of 20% of the total direct eligible costs, excluding *direct eligible costs for subcontracting and* the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment

1. Indirect eligible costs shall be *reimbursed* by applying a flat rate of 30% of the total direct eligible costs, excluding the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. en

Justification

Flat rate of 20% shall be increased up to 30% in order to ensure the continuity of funding between FP7 and Horizon 2020 for comparable activities, allowing long term participation. The main part of indirect costs is human resources. Direct eligible costs for sub contracting shall be included in the calculation as they represent for industrial activity an important part, shared with the supply chain over a project time and represents only a cost born by the beneficiaries.

Amendment 489

Jean-Pierre Audy

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined by applying a flat rate of **20%** of the total **direct** eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment

1. Indirect eligible costs shall be determined by applying a flat rate of **10%** of the total eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. fr

Amendment 490

Hermann Winkler

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined by applying a flat rate of **20%** of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment

1. Indirect eligible costs shall be determined by applying a flat rate of **30%** of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment 491

Norbert Glante

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined by applying a flat rate of **20%** of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment

1. Indirect eligible costs shall be determined by applying a flat rate of **30%** of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. de

Justification

A flat rate of 30% of the total direct eligible costs is more appropriate than the 20% proposed by the Commission. Even for institutions with high indirect costs, participation becomes attractive with a 30% rate in combination with the 100% of eligible costs.

Amendment 492

Kent Johansson, Fiona Hall, Jürgen Creutzmann

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined by applying a flat rate of **20%** of the total direct eligible costs, **excluding** direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment

1. Indirect eligible costs shall be determined by applying a flat rate of **50%** of the total direct eligible costs **for universities, research organisations, research institutes and SMEs, and 20% for industry. This flat rate excludes** direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial

support to third parties.

Or. en

Justification

These calculations are indicative and should be subject to further analysis, in cooperation with the European Commission and other stakeholders, to ensure that they comply with the aims and principles outlined in Article 22.

Amendment 493

Amalia Sartori, Antonio Cancian, Lara Comi, Gabriele Albertini, Aldo Patriciello

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Indirect eligible costs shall be determined by applying a flat rate of **20%** of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Amendment

1. Indirect eligible costs shall be determined by applying a flat rate of **30%** of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. en

Justification

Indirect costs affect companies' total budget, and in particular in small and medium enterprises, by more than 50%. Therefore, in order not to penalize companies, particularly SMEs, we suggest to increase the flat rate to determine eligible indirect costs to 30% of the direct eligible costs concerned.

Amendment 494

Christian Ehler, Paul Rübig

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Alternatively to paragraph 1, a beneficiary may opt to determine its indirect eligible costs based on indirect costs that are actually incurred in direct relationship with the eligible costs attributed to the project, according to the beneficiary's usual cost accounting practices. In this case the reimbursement rates for full costs calculation stipulated in Article 22(3) shall apply.

Or. en

Amendment 495

Luigi Berlinguer

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Alternatively to paragraph 1, a beneficiary may opt to determine its indirect eligible costs based on indirect costs that actually incurred in direct relationship with the eligible direct costs attributed to the project, according to the beneficiary's usual cost accounting practices. Consequently, the reimbursement rates as indicated in Article 22(3) will be applied

Or. en

Amendment 496

Teresa Riera Madurell

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By way of derogation from paragraph 1, indirect costs may be declared as costs actually incurred in relationship with the eligible direct costs attributed to the project by non profit legal entities with analytical accounting and detailed costs allocation systems. In this case the reimbursement rates for full costs calculation stipulated in Article 22 (3) shall apply.

Or. en

Amendment 497

Kathleen Van Brempt, Ivo Belet, Philippe De Backer

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Alternatively a beneficiary may opt to determine indirect eligible costs by applying a flat rate of 30% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. en

Amendment 498

Vittorio Prodi

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the actions mentioned in Article 22(5), indirect costs shall be reimbursed by applying a flat rate of 40% of the total direct eligible costs, excluding the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. en

Justification

The level of funding increased at 40% of the direct costs is justified by the nature of the actions defined in § 5 that implies a high cost for test equipment, certification and experimental development of infrastructure.

Amendment 499

Bernd Lange

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By way of derogation from paragraph 1, a participant may alternatively also claim indirect eligible costs using the usual cost accounting practices (full costs calculation).

Or. de

Justification

The Commission has advocated full costs calculation as the cost calculation method for some time now. In order to ensure continuity, the full costs calculation option should remain available.

Amendment 500

Kathleen Van Brempt, Ivo Belet, Philippe De Backer

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

2. By way of derogation from paragraph 1, indirect costs may be declared in the form of a lump sum or scale of unit costs when provided for in the work programme or work plan.

Amendment

2. By way of derogation from paragraph 1 **and 1a**, indirect costs may be declared in the form of a lump sum or scale of unit costs when provided for in the work programme or work plan.

Or. en

Amendment 501

Gunnar Hökmark

Proposal for a regulation

Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 1, indirect eligible costs shall for SMEs and non-profit legal entities be determined by applying a flat rate of 35% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.

Or. en

Amendment 502

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For those institutions who demonstrate an accurate analytic accounting system, indirect costs could be based on real institutional overhead costs, up to a maximum of 60%.

Or. en

**Amendment 503
Hermann Winkler**

**Proposal for a regulation
Article 24 a (new)**

Text proposed by the Commission

Amendment

Article 24a

Total cost accounting

Project participants that have an analytical accounting system, and are thus in a position to also allocate the share of indirect costs to the project, may charge both their direct and indirect costs on the basis of costs actually incurred. Reimbursement must be reasonable. The Union's contribution in this case for the measures referred to Article 22(4) shall amount to 75% of the total eligible costs for universities, research institutions, non-profit organisations and SMEs, and up to 50% for other participants.

Or. de

Justification

This corresponds to the maximum funding limits in FP7. The alternative of calculating costs on the basis of costs actually incurred seems sensible given the considerable efforts made by many institutions and companies to introduce this model in FP7.

Amendment 504

Henri Weber

Proposal for a regulation

Article 25 – title

Text proposed by the Commission

Annual productive *hours*

Amendment

Calculation of productive *time*

Or. fr

Amendment 505

Silvia-Adriana Țicău

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

1. Eligible personnel costs shall only cover the actual hours worked by the persons directly carrying out work under the action. The evidence regarding the actual hours worked shall be provided by the participant, normally through a time recording system.

Amendment

1. Eligible personnel costs shall only cover the actual hours worked by the persons directly carrying out work under the action. The evidence regarding the actual hours worked shall be provided by the participant, normally through a time recording system. ***The amount eligible for reimbursement per hour actually worked by the persons directly carrying out work under the action shall be the same for all Member States and shall be established by the Commission.***

Or. ro

Amendment 506

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

1. Eligible personnel costs shall only cover the actual hours worked by the persons directly carrying out work under the action. The evidence regarding the actual hours worked shall be provided by the participant, normally through a time recording system.

Amendment

1. Eligible personnel costs shall only cover the actual hours worked by the persons directly carrying out work under the action. The evidence regarding the actual hours worked shall be provided by the participant, normally through a time recording system. ***Third parties carrying out the project within the premises of the beneficiary may claim actual hours worked in the project.***

Or. en

Amendment 507
Gunnar Hökmark

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. Eligible personnel costs shall only cover the actual hours worked by the persons directly carrying out work under the action. The evidence regarding the actual hours worked shall be provided by the participant, ***normally through a*** time recording system.

Amendment

1. Eligible personnel costs shall only cover the actual hours worked by the persons directly carrying out work under the action. The evidence regarding the actual hours worked shall be provided by the participant ***in accordance with the participant's own official*** time recording system.

Or. en

Amendment 508
Henri Weber

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. Eligible personnel costs shall only cover the actual hours worked by the persons

Amendment

1. Eligible personnel costs shall only cover the actual hours worked by the persons

directly carrying out work under the action.
The evidence regarding the ***actual hours worked*** shall be provided by the participant, normally through a ***time*** recording system.

directly carrying out work under the action.
The evidence regarding the ***annual productive time*** shall be provided by the participant, normally through a recording system ***established on the basis of the calculation methods customarily employed by each beneficiary***.

Or. fr

Amendment 509
Luigi Berlinguer

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. Eligible personnel costs shall ***only*** cover the ***actual*** hours worked by the persons directly carrying out work under the action.
The evidence regarding the actual hours worked shall be provided by the participant, normally through a time recording system.

Amendment

1. Eligible personnel costs shall cover the hours worked by the persons directly carrying out work under the action

Or. en

Amendment 510
Luigi Berlinguer

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. ***For persons working exclusively for the action, no time recording is required. In such cases, the participant shall sign a declaration confirming that the person concerned has worked exclusively for the action.***

Amendment

2. ***The number of annual productive hours which may be used by the beneficiary should be determined as follows:***

a) a standard provided by the Commission

or

b) a standard provided by the beneficiary and agreed by the Commission or

c) the actual productive hours.

Or. en

Amendment 511
Henri Weber

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. For persons working exclusively for the action, no time recording is required. In such cases, the participant shall sign a declaration confirming that the person concerned has worked exclusively for the action.

Amendment

2. Does not affect the English version.

Or. fr

Amendment 512
Luigi Berlinguer

Proposal for a regulation
Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The evidence regarding the hours worked shall be provided by the participant, normally through a time recording system. For persons working exclusively for the action, no time recording is required. In such cases, the participant shall sign a declaration confirming that the person concerned has worked exclusively for the action.

Or. en

Amendment 513

Alyn Smith

Proposal for a regulation

Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The beneficiary shall be able to exercise the same method for the declaration of indirect eligible costs consistently for all actions under Horizon 2020 in which it participates.

Or. en

Amendment 514

Gunnar Hökmark

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The grant agreement shall contain the minimum requirements for the time recording system ***as well as*** the number of annual productive hours to be used for the calculation of the hourly personnel rates.

3. The grant agreement shall contain the minimum requirements for the time recording system ***which may entail one single document declaring the university/legal entity degree of the involvement of the researchers/participant in the project. The*** number of annual productive hours to be used for the calculation of the hourly personnel rates ***shall be based on each participant's own normal accounting and management principles, and relevant national rules, and may be expressed as an percentage of working time***

Or. en

Amendment 515
Lambert van Nistelrooij

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The grant agreement shall contain the minimum requirements for the time recording system ***as well as the number of annual productive hours to be used for the calculation of the hourly personnel rates.***

3. The grant agreement shall contain the minimum requirements for the time recording system.

Or. en

Justification

The productive hours have to be determined according to the standard accounting principles of the beneficiary considering operating efficiency. If the productive hours were contained within the grant agreement a specific personnel hourly rate for every project of a person or department would have to be calculated for all the years of the duration of the project. This may result in parallel hourly rates for one person or department for one fiscal year. This is no simplification but an error-prone complication that has to be avoided.

Amendment 516
Vicky Ford

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The grant agreement shall contain the minimum requirements for the time recording system as well as ***the*** number of annual productive hours ***to be used for the calculation of the hourly personnel rates.***

3. The grant agreement shall contain the minimum requirements for the time recording system as well as ***an option to calculate hourly personnel rates based on a set*** number of annual productive hours.

Or. en

Justification

Clarification and flexibility are needed as the original text implies that the same number of

hours will be used by every participant in a project.

Amendment 517
Hermann Winkler

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. The grant agreement shall contain the minimum requirements for the time recording system as well as the number of annual productive hours to be used for the calculation of the hourly personnel rates.

Amendment

3. The grant agreement shall contain the minimum requirements for the time recording system as well as the number of annual productive hours to be used for the calculation of the hourly personnel rates.
Participants' usual accounting practices may also apply.

Or. de

Amendment 518
Norbert Glante

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. The grant agreement shall contain the minimum requirements for the time recording system as well as the number of annual productive hours to be used for the calculation of the hourly personnel rates.

Amendment

3. The grant agreement shall contain the minimum requirements for the time recording system as well as the number of annual productive hours to be used for the calculation of the hourly personnel rates,
where the national authorities or national funding bodies in the participant's home country do not have accepted standards for the participant's annual productive hours.

Or. de

Amendment 519
Henri Weber

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. The grant agreement shall contain the minimum requirements for the *time recording* system *as well as the number of annual productive hours to be used for the calculation of the hourly personnel rates*.

Amendment

3. The grant agreement shall contain the minimum requirements for the system *for recording productive time*.

Or. fr

Amendment 520
Luigi Berlinguer
Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. The grant agreement shall contain the minimum requirements for the time recording system *as well as the number of annual productive hours to be used for the calculation of the hourly personnel rates*.

Amendment

3. The grant agreement shall contain the minimum requirements for the time recording system.

Or. en

Amendment 521
Patrizia Toia
Proposal for a regulation
Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The annual productive hours shall be determined according to the usual practices of the beneficiary, as adopted with internal formal acts, consistently

with the national legislation.

Or. en

Justification

In order to really simplify the procedures, avoid discussion with the auditors and assure the acceptance of the practices, all decisions has to be adopted with internal acts and to be consistent with the national legislation

Amendment 522

Edit Herczog

Proposal for a regulation

Article 26 – title

Text proposed by the Commission

Amendment

Personnel costs *of the owners of small and medium-sized enterprises and natural persons without salary*

Personnel costs

Or. en

Amendment 523

András Gyürk

Proposal for a regulation

Article 26 – title

Text proposed by the Commission

Amendment

Personnel costs *of the owners of small and medium-sized enterprises and natural persons without salary*

Personnel costs

Or. en

Amendment 524

Edit Herczog

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

The owners of small and medium-sized enterprises who do not receive a salary and other natural persons who do not receive a salary may charge personnel costs on the basis of a scale of unit cost.

Amendment

Personnel costs may ***be charged*** on the basis of a scale of unit cost.

Or. en

Justification

The option to charge personnel costs on the basis of a scale of unit cost should be applied to the whole of Horizon 2020 as a way of implementing the proposal to decrease the disparities of researchers' remuneration, realize the single market for researchers and turn brain drain into brain circulation.

Amendment 525
Romana Jordan

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

The owners of small and medium-sized enterprises who do not receive a salary and other natural persons who do not receive a salary may charge personnel costs on the basis of a scale of unit cost.

Amendment

Personnel costs may ***be charged*** on the basis of a scale of unit cost.

Or. en

Amendment 526
András Gyürk

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

The owners of small and medium-sized enterprises who do not receive a salary and other natural persons who do not receive a salary may charge personnel costs on the basis of a scale of unit cost.

Personnel costs may be charged on the basis of a scale of unit cost.

Or. en

Amendment 527
Jean-Pierre Audy

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

Amendment

1. In accordance with Article X of Regulation (EU) No XX/XX [financial regulation], the Commission may establish methods to determine scales of unit costs based on:

- a) statistical data or similar objective means;
- b) auditable historical data of the participant.

1. In accordance with Article X of Regulation (EU) No XX/XX [financial regulation], the Commission may establish methods to determine scales of unit costs based on:

- a) statistical data or similar objective means;
- b) auditable historical data of the participant.

Once they are agreed upon, scales of unit costs are not subject to the verification that they are actually incurred.

Or. en

Justification

Scales of unit costs should not be called into question again retrospectively when the Commission and the participant have reached agreement on them beforehand.

Amendment 528
Silvia-Adriana Țicău

Proposal for a regulation
Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) auditable historical data of the *participant*.

Amendment

(b) auditable historical data of the *participants*.

Or. ro

Amendment 529
Romana Jordan

Proposal for a regulation
Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. Direct eligible personnel costs may be financed on the basis of scale of unit costs determined *according to the participant's usual cost accounting practices, provided that they* comply with *the following cumulative criteria*:

Amendment

2. Direct eligible personnel costs may be financed on the basis of scale of unit costs determined *as reference rates for different categories of researchers, updated by the Commission on a yearly basis. Rates are differentiated by countries and are obtained by applying the correction coefficients for cost of living in the country. Scales of unit costs must* comply with:

Or. en

Amendment 530
Edit Herczog

Proposal for a regulation
Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. Direct eligible personnel costs may be financed on the basis of scale of unit costs determined *according to the participant's usual cost accounting practices, provided that they* comply with the following

Amendment

2. Direct eligible personnel costs may be financed on the basis of scale of unit costs determined *as reference rates for different categories of researchers, updated by the Commission on a yearly basis. Rates are*

cumulative criteria:

differentiated by countries and are obtained by applying the correction coefficients for cost of living in the country. Scales of unit costs must comply with the following cumulative criteria:

Or. en

Justification

The option to charge personnel costs on the basis of a scale of unit cost should be applied to the whole of Horizon 2020 as a way of implementing the proposal to decrease the disparities of researchers' remuneration, taking into account only their competences and the transnational character of the projects. Such a model would help realize the single market for researchers and turn brain drain into brain circulation. The simple model used already in FP7 for SME owners who do not receive a salary could be used as a starting point in developing such a model.

Amendment 531

András Gyürk

Proposal for a regulation

Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. Direct eligible personnel costs may be financed on the basis of scale of unit costs *determined according to the participant's usual cost accounting practices, provided that they* comply with *the following cumulative criteria*:

Amendment

2. Direct eligible personnel costs may be financed on the basis of scale of unit costs *as reference rates for different categories of researchers, updated by the Commission on a yearly basis. Rates are differentiated by countries and are obtained by applying the correction coefficients for cost of living in the country. Scales of unit costs must* comply with:

Or. en

Amendment 532

András Gyürk

Proposal for a regulation
Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

*(a) they are calculated on the basis of the
total actual personnel costs recorded in
the participant's general accounts which
may be adjusted on the basis of budgeted
or estimated elements according to the
conditions defined by the Commission;*

deleted

Or. en

Amendment 533
Romana Jordan

Proposal for a regulation
Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

*(a) they are calculated on the basis of the
total actual personnel costs recorded in
the participant's general accounts which
may be adjusted on the basis of budgeted
or estimated elements according to the
conditions defined by the Commission;*

deleted

Or. en

Amendment 534
Edit Herczog

Proposal for a regulation
Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

*(a) they are calculated on the basis of the
total actual personnel costs recorded in
the participant's general accounts which
may be adjusted on the basis of budgeted
or estimated elements according to the*

deleted

conditions defined by the Commission;

Or. en

Amendment 535

Silvia-Adriana Țicău

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) they are calculated on the basis of *the total actual personnel costs recorded in the participant's general accounts which may be adjusted on the basis of budgeted or estimated elements according to the conditions defined* by the Commission;

Amendment

(a) they are calculated on the basis of *a standard scale established* by the Commission *for all Member States*;

Or. ro

Amendment 536

Christian Ehler

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts *which may be adjusted on the basis of budgeted or estimated elements according to the conditions defined by the Commission*;

Amendment

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts;

Or. en

Amendment 537

Jean-Pierre Audy

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts ***which may be adjusted on the basis of budgeted or estimated elements according to the conditions defined by the Commission;***

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts;

Or. en

Justification

The beneficiaries must have assurance that their scales of unit costs are accepted when they are based and calculated according to their usual accounting principles and management practices. Otherwise they would have to establish and maintain a second parallel cost accounting system. The sentence concerning the provisions on productive hours has to be deleted in line with the changes of Article 25 (also see justification for changes of Article 25).

Amendment 538

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts which may be adjusted on the basis of budgeted or estimated elements according to the ***conditions defined by the Commission;***

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts which may be adjusted on the basis of budgeted or estimated elements according to the ***usual accounting practices of the beneficiary.***

Or. en

Amendment 539

Hermann Winkler

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts which may be adjusted on the basis of budgeted or estimated elements according to the *conditions defined by the Commission*;

Amendment

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts which may be adjusted on the basis of budgeted or estimated elements according to the *participant's usual accounting practice*.

Or. de

Amendment 540
Norbert Glante

Proposal for a regulation
Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts which may be adjusted on the basis of budgeted or estimated elements according to the conditions defined by the Commission;

Amendment

(a) they are calculated on the basis of the total actual personnel costs recorded in the participant's general accounts which may be adjusted on the basis of budgeted or estimated elements according to the conditions defined by the Commission.
The basis shall, however, be recognition of the general accounting methods commonly used by participants.

Or. de

Justification

Recognition of national accounting rules, which vary widely in the EU, ensures reliability in terms of the level of reimbursement for participants and avoids complex conversion methods.

Amendment 541
Romana Jordan

Proposal for a regulation
Article 27 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) ***they comply with*** the provisions in Article 23;

(b) the provisions in Article 23;

Or. en

Amendment 542

Edit Herczog

Proposal for a regulation

Article 27 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) ***they comply with*** the provisions in Article 23;

(b) the provisions in Article 23;

Or. en

Amendment 543

Edit Herczog

Proposal for a regulation

Article 27 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) ***they ensure compliance with*** the non-profit requirement and avoidance of double funding of costs;

(c) the non-profit requirement and avoidance of double funding of costs;

Or. en

Amendment 544

Romana Jordan

Proposal for a regulation

Article 27 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) ***they ensure compliance with*** the non-profit requirement and avoidance of double funding of costs;

(c) the non-profit requirement and avoidance of double funding of costs;

Or. en

Amendment 545
Romana Jordan

Proposal for a regulation
Article 27 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) ***they are calculated with due regard to*** the provisions on productive hours in Article 25.

(d) the provisions on productive hours in Article 25.

Or. en

Amendment 546
Edit Herczog

Proposal for a regulation
Article 27 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) ***they are calculated with due regard to*** the provisions on productive hours in Article 25.

(d) the provisions on productive hours in Article 25.

Or. en

Amendment 547
Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

The certificate on financial statements shall cover the total amount of the grant claimed by a participant under the form of reimbursement of actual costs and under the form of scale of unit costs referred to Article 27(2). The certificate shall only be submitted when that amount is equal to or greater than EUR 325 000 at the time of claiming the payment of the balance of the grant.

Amendment

The certificate on financial statements shall cover the total amount of the grant claimed by a participant under the form of reimbursement of actual costs and under the form of scale of unit costs referred to Article 27(2). The certificate shall only be submitted when that amount is equal to or greater than EUR 375 000 at the time of claiming the payment of the balance of the grant.

Or. en

Justification

In line with a simplification principle the threshold from the current FP set at the level of 375 000 should not be lowered in Horizon 2020.

Amendment 548
Vicky Ford

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

The certificate on financial statements shall cover the total amount of the grant claimed by a participant under the form of reimbursement of actual costs and under the form of scale of unit costs referred to Article 27(2). The certificate shall only be submitted when that amount is equal to or greater than EUR 325 000 at the time of claiming the payment of the balance of the grant.

Amendment

The certificate on financial statements shall cover the total amount of the grant claimed by a participant under the form of reimbursement of actual costs and under the form of scale of unit costs referred to Article 27(2). The certificate shall only be submitted when that amount is equal to or greater than EUR 375 000 at the time of claiming the payment of the balance of the grant.

Or. en

Justification

The existing threshold for a certificate on the financial statement is EUR 375,000.

Amendment 549

Peter Skinner

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

The certificate on financial statements shall cover the total amount of the grant claimed by a participant under the form of reimbursement of actual costs and under the form of scale of unit costs referred to Article 27(2). The certificate shall only be submitted when that amount is equal to or greater than EUR **325 000** at the time of claiming the payment of the balance of the grant.

Amendment

The certificate on financial statements shall cover the total amount of the grant claimed by a participant under the form of reimbursement of actual costs and under the form of scale of unit costs referred to Article 27(2). The certificate shall only be submitted when that amount is equal to or greater than EUR **375 000** at the time of claiming the payment of the balance of the grant.

Or. en

Justification

The proposed reduction in the audit threshold from €375, 000 in FP7 to €325, 000 in Horizon 2020 is likely to divert resources away from research and towards administration.

Amendment 550

Norbert Glante

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

1. Participants that calculate **and claim** direct personnel costs on the basis of scale of unit costs may submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in

Amendment

1. Participants that calculate direct personnel costs on the basis of scale of unit costs **and/or claim indirect costs on the basis of indirect eligible costs actually incurred** may submit to the Commission a certificate on the methodology. That

Article 27(2) **and meet the requirements of grant agreement.**

methodology shall comply with the conditions set out in Article 27(2).

Or. de

Justification

Certification should be possible for participants that already have a nationally recognised, transparent and verifiable method. Since nationally recognised methods are accepted, this helps protect participants. Participants that calculate and claim direct personnel costs on the basis of scale of unit costs may submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in Article 27(2) and meet the requirements of the grant agreement.

Amendment 551
Christian Ehler

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Participants that calculate and claim direct personnel costs on the basis of scale of unit costs **may** submit to the Commission a certificate on the methodology. **That methodology** shall **comply** with the conditions set out in **Article 27(2) and meet the requirements of grant agreement.**

Amendment

1. Participants that calculate and claim direct personnel costs on the basis of scale of unit costs **or participants that claim indirect eligible costs actually incurred shall** submit to the Commission a certificate on the methodology. **The Commission shall accept such a certificate where it complies** with the conditions set out in **Articles 24 (1a) or 27(2).**

Or. en

Justification

This amendment promotes certification for participants that have a recognised transparent and auditable methodology already in place. Given that nationally accepted methodologies would be acknowledged and costs will be reimbursed, making this an obligation will not do any harm but ensure that participants are on the safe side with regards to their methodology.

Amendment 552
Teresa Riera Madurell

PE492.763v01-00

80/96

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Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Participants that calculate and claim direct personnel costs on the basis of scale of unit costs **may** submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in Article 27(2) **and meet the requirements of grant agreement.**

Amendment

1. Participants that calculate and claim direct personnel costs on the basis of scale of unit costs **or the reimbursement of eligible costs actually incurred shall** submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in Article 27(2).

Or. en

Amendment 553
Jean-Pierre Audy
Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Participants **that calculate and claim direct personnel costs on the basis of scale of unit costs** may submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in Article 27(2) and meet the requirements of grant agreement.

Amendment

1. Participants may submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in **Articles 23, 25 and, where appropriate,** Article 27(2) and meet the requirements of grant agreement.

Or. en

Justification

The possibility of using a certificate on the methodology should not be restricted to participants who use the scale of unit costs. All the participants should be able to take up this option.

Amendment 554
Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan

Kazimierz Marcinkiewicz
Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Participants that calculate and claim direct personnel costs on the basis of scale of unit costs may submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in Article 27(2) and meet the requirements of grant agreement.

Amendment

1. Participants that calculate and claim direct personnel costs on the basis of scale of unit costs ***referred to in Art. 27 1 (b)*** may submit to the Commission a certificate on the methodology. That methodology shall comply with the conditions set out in Article 27(2) and meet the requirements of grant agreement.

Or. en

Amendment 555
Jean-Pierre Audy
Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. Where the Commission accepts a certificate on the methodology, it shall be valid for all actions financed under Regulation (EU) No XX/XX [Horizon 2020] and the participant shall calculate and claim costs on its basis.

Amendment

2. ***When examining certificates on the methodology, usual accounting practices should be fully taken into account by the Commission.*** Where the Commission accepts a certificate on the methodology, it shall be valid for all actions financed under Regulation (EU) No XX/XX [Horizon 2020] and the participant shall calculate and claim costs on its basis. ***Once the Commission has accepted a certificate on the methodology, it will not be possible to attribute to the beneficiary any systemic or recurrent error related to the beneficiary methodology.***

Or. en

Justification

When it examines a certificate on the methodology with a view to accepting or rejecting it, the Commission should consider the customary accounting practices of the participants.

Moreover, once the Commission has accepted a certificate on the methodology for particular participants, it should not criticise them for systemic errors arising from their methodology.

Amendment 556
Marian-Jean Marinescu

Proposal for a regulation
Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Participants that calculate and claim direct costs based on the rates accepted by national authorities for comparable activities will submit to the Commission a certificate on the methodology for their calculation provided by an independent auditor.

Or. en

Amendment 557
Christian Ehler

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

Amendment

2. Upon request by the Commission, the Court of Auditors or the European Anti-fraud Office (OLAF), the auditor who delivers the certificate on the financial statements and on the methodology shall grant access to the supporting documents and audit working papers on the basis of which a certificate on the financial statements was issued.

2. The Commission and the Court of Auditors shall accept the certificates referred to in paragraph 1, unless there is reasonable doubt regarding their integrity. Upon request by the Commission, the Court of Auditors or the European Anti-fraud Office (OLAF), the auditor who delivers the certificate on the financial statements and on the methodology shall grant access to the supporting documents and audit working papers on the basis of which a certificate on the financial statements was issued.

Or. en

Amendment 558
Hermann Winkler

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

An action for which a grant from the Union budget has been awarded may also give rise to the award of a grant on the basis of Regulation (EU) No XX/XX [Horizon 2020] provided that the grants do not cover the same cost items.

Amendment

An action for which a grant from the Union budget has been awarded may also give rise to the award of a grant on the basis of Regulation (EU) No XX/XX [Horizon 2020] provided that the grants do not cover the same cost items. ***This applies especially to a grant from the Structural Funds.***

Or. de

Amendment 559
Norbert Glante

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

An action for which a grant from the Union budget has been awarded may also give rise to the award of a grant on the basis of Regulation (EU) No XX/XX [Horizon 2020] provided that the grants do not cover the same cost items.

Amendment

An action for which a grant from the Union budget has been awarded may also give rise to the award of a grant on the basis of Regulation (EU) No XX/XX [Horizon 2020] provided that the grants ***create added value for research and innovation and*** do not cover the same cost items.

Or. de

Justification

It must be stipulated in the rules for participation that Horizon 2020 funds may only be used cumulatively if the measure supported also contains a genuine research and innovation component.

Amendment 560
Christian Ehler

Proposal for a regulation
Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Prizes

Union funding may take the form of prizes as defined in Title VII of Regulation (EU) No XX/XX [Financial Regulation].

Or. en

Amendment 561
Christian Ehler

Proposal for a regulation
Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Procurement, pre-commercial procurement and public procurement of innovative solutions

1. Any procurement carried out by the Commission on its own behalf or jointly with Member States shall be subject to the rules on public procurement as set out in Regulation (EU) No xx/2012 [Financial Regulation] and Regulation (EU) No XX/XX [the Delegated Regulation].

2.

Union funding may take the form of pre-commercial procurement or procurement of innovative solutions carried out by the Commission or the relevant funding body on its own behalf or jointly with contracting authorities from Member

States and associated countries.

The procurement procedures:

(a) shall comply with the principles of transparency, non-discrimination, equal treatment, sound financial management, proportionality, and with competition rules and, where applicable, with Directives 2004/17/EC, 2004/18/EC and 2009/81/EC, or, where the Commission acts on its own behalf, with Regulation (EU) No XX/2012 [the Financial Regulation];

(b) may provide for specific conditions such as the place of performance of the procured activities being limited for pre-commercial procurement to the territory of the Member States and of countries associated to Horizon 2020 where duly justified by the objectives of the actions;

(c) may authorise the award of multiple contracts within the same procedure (multiple sourcing);

(d) shall provide for the award of the contracts to the tender(s) offering best value for money.

Or. en

Amendment 562

Christian Ehler

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Any procurement carried out by the Commission on its own behalf or jointly with Member States shall be subject to the rules on public procurement as set out in Regulation (EU) No xx/2012 [Financial Regulation] and Regulation (EU) No

deleted

Amendment 563

Christian Ehler

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Union funding may take the form of pre-commercial procurement or procurement of innovative solutions carried out by the Commission or the relevant funding body on its own behalf or jointly with contracting authorities from Member States and associated countries.

deleted

Amendment 564

Christian Ehler

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The procurement procedures:

deleted

(a) shall comply with the principles of transparency, non-discrimination, equal treatment, sound financial management, proportionality, and with competition rules and, where applicable, with Directives 2004/17/EC, 2004/18/EC and 2009/81/EC, or, where the Commission acts on its own behalf, with Regulation (EU) No XX/2012 [the Financial Regulation];

(b) may provide for specific conditions such as the place of performance of the

procured activities being limited for pre-commercial procurement to the territory of the Member States and of countries associated to Horizon 2020 where duly justified by the objectives of the actions;

(c) may authorise the award of multiple contracts within the same procedure (multiple sourcing);

(d) shall provide for the award of the contracts to the tender(s) offering best value for money.

Or. en

Amendment 565

Christian Ehler

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) shall comply with the principles of transparency, non-discrimination, equal treatment, sound financial management, proportionality, and with competition rules and, where applicable, with Directives 2004/17/EC, 2004/18/EC and 2009/81/EC, or, where the Commission acts on its own behalf, with Regulation (EU) No XX/2012 [the Financial Regulation];

deleted

Or. en

Amendment 566

Marita Ulvskog

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) shall comply with the principles of transparency, non-discrimination, equal treatment, sound financial management, proportionality, and with competition rules and, where applicable, with Directives 2004/17/EC, 2004/18/EC and 2009/81/EC, or, where the Commission acts on its own behalf, with Regulation (EU) No XX/2012 [the Financial Regulation];

(a) shall comply with the principles of transparency, non-discrimination, ***gender equality***, equal treatment, sound financial management, proportionality, and with competition rules and, where applicable, with Directives 2004/17/EC, 2004/18/EC and 2009/81/EC, or, where the Commission acts on its own behalf, with Regulation (EU) No XX/2012 [the Financial Regulation];

Or. en

Amendment 567

Christian Ehler

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) may provide for specific conditions such as the place of performance of the procured activities being limited for pre-commercial procurement to the territory of the Member States and of countries associated to Horizon 2020 where duly justified by the objectives of the actions;

deleted

Or. en

Amendment 568

Christian Ehler

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) may authorise the award of multiple contracts within the same procedure

deleted

(multiple sourcing);

Or. en

Amendment 569

Christian Ehler

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

*(d) shall provide for the award of the
contracts to the tender(s) offering best
value for money.* *deleted*

Or. en

Amendment 570

Christian Ehler

Proposal for a regulation

Article 36

Text proposed by the Commission

Amendment

Article 36 *deleted*

Financial instruments

*1. Financial instruments may take any of
the forms referred to in and shall be
implemented in accordance with [Title
VIII] of Regulation (EU) No XX/XX [the
Financial Regulation] and may be
combined with grants funded under the
Union budget, including under Horizon
2020.*

*2. In accordance with Article [18(2)] of
Regulation (EU) No XX/XX [the
Financial Regulation], revenues and
repayments generated by a financial
instrument set up under Regulation (EU)
No XX/XX [Horizon 2020] shall be*

assigned to that financial instrument.

3. Revenues and repayments generated by the Risk-Sharing Finance facility set up under Decision No 1982/2006/EC and the early stage part of the High-Growth and Innovative SME Facility (GIF1) set up under the Decision No 1639/2006/EC of the European Parliament and of the Council²⁴, shall be assigned to the succeeding financial instruments under Regulation (EU) No XX/XX [Horizon 2020].

Or. en

Amendment 571

Christian Ehler

Proposal for a regulation

Article 36 – paragraph 1

Text proposed by the Commission

Amendment

1. Financial instruments may take any of the forms referred to in and shall be implemented in accordance with [Title VIII] of Regulation (EU) No XX/XX [the Financial Regulation] and may be combined with grants funded under the Union budget, including under Horizon 2020.

deleted

Or. en

Amendment 572

Amalia Sartori, Antonio Cancian

Proposal for a regulation

Article 36 – paragraph 1

Text proposed by the Commission

Amendment

1. Financial instruments may take any of the forms referred to in and shall be

1. Financial instruments may take any of the forms referred to in and shall be

implemented in accordance with [Title VIII] of Regulation (EU) No XX/XX [the Financial Regulation] and may be combined with grants funded under the Union budget, including under Horizon 2020.

implemented in accordance with [Title VIII] of Regulation (EU) No XX/XX [the Financial Regulation] and may be combined with grants funded under the Union budget, including under Horizon 2020 ***and COSME. Financial instruments may be combined also with Structural Funds, national and regional financial instruments and funds.***

Or. en

Justification

It is critical mentioning the possibility of combining different EU grants' typologies with financial Instruments.

Amendment 573
Christian Ehler

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. Revenues and repayments generated by the Risk-Sharing Finance facility set up under Decision No 1982/2006/EC and the early stage part of the High-Growth and Innovative SME Facility (GIF1) set up under the Decision No 1639/2006/EC of the European Parliament and of the Council²⁴, shall be assigned to the succeeding financial instruments under Regulation (EU) No XX/XX [Horizon 2020].

deleted

Or. en

Amendment 574
Peter Skinner

Proposal for a regulation
Article 36 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission should consider introduce an newer version of the Risk Capital Action Plan in addition to the Financial Regulation

Or. en

Justification

Fourteen years after the first Risk Capital Action Plan it is time the Commission produced a new version to demonstrate further commitment to improving SMEs and furthering job creation.

Amendment 575
Philippe Lamberts

Proposal for a regulation
Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Article 36a

Public private partnerships

1. Horizon 2020 may be implemented through public-private partnerships where all the partners concerned commit to support the development and implementation of pre-competitive research and innovation activities of strategic importance to the Union's competitiveness and industrial leadership or to address specific societal challenges.

2. Financial contributions from the Union to joint undertakings established on the basis of Article 187 TFEU under the Seventh Framework Programme, subject to the amendment of their basic acts and to other funding bodies referred to in

Article [55(1)(b)(v) or (vii)] of Regulation (EU) No XX/2012 [New Financial Regulation], shall be subject to a cost-benefit analysis and a thorough assessment of the their governance and functioning with regards to criteria of openness, transparency, effectiveness and efficiency, and provided they fulfil the criteria established in paragraph 3;

3. New public-private partnership shall be established in exceptional situations, where the scope of the objectives pursued required justifies such a set-up and where it can be demonstrated that no other forms of partnerships or funding instrument can fulfil the desired objective or generate the necessary leverage and involvement of players.

4. No new public-private partnerships will be established on the basis of Article 187 TFEU

5. Public-private partnerships may be identified and established and shall be operated in an open and transparent way. Any new establishment shall be based on at least all of the following criteria:

(a) the demonstration of added value of action at Union level;

(b) the potential scale of impact on addressing societal concerns, sustainability or industrial competitiveness;

(c) the long-term commitment from all partners based on a shared vision and clearly defined objectives; in particular, the financial commitment including in cash of the private sector participants;

(d) a clear definition of roles and responsibilities for each of the partners and agreed key performance indicators over the period chosen.

(e) the demonstration of an open, transparent and participatory governance

system and of principles of sound financial management;

(f) commitment to activities ensuring the integration of the knowledge triangle : education, research and innovation;

6. The Commission shall perform a comprehensive evaluation and assessment of impact of the pilot partnerships established under the FP7 (the Joint Technology Platforms, the Public Private Partnerships under the European Economic Recovery Programme as well as the Knowledge and Innovation Communities established by the European Institute of Technology), before consolidating support to existing ones or supporting the establishment of additional ones.

Based on the evaluation and assessment, the Commission will during the implementation of H2020 submit a proposals to improve the governance and functioning of the established public-private partnerships, in view of ensuring more effective and efficient impact, open and transparent functioning and the avoidance of conflicts of interests.

In particular assessment and review will address impact on SMEs and smaller research organisations to ensure their better involvement both for the setting of the research agenda and for participating.

Or. en

Amendment 576
Marisa Matias

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. The funding for an action shall ***not exceed the total eligible costs minus the receipts of the action.***

Amendment

1. The funding for an action shall ***be in accordance with all the rules defined under the 7th Framework Programme (FP7).***

Or. en



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

2011/0399(COD)

3.7.2012

AMENDMENTS 577 - 766

Draft report
Christian Ehler
(PE489.632v01-00)

on the proposal for a regulation of the European Parliament and of the Council
laying down the rules for the participation and dissemination in 'Horizon 2020
- the Framework Programme for Research and Innovation (2014-2020)'

Proposal for a regulation
(COM(2011)0810 – C7-0465/2011 – 2011/0399(COD))

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PE492.788v01-00

EN

United in diversity

EN

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Amendment 577

Adam Gierek

Proposal for a regulation

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission and, where appropriate, funding bodies *may appoint* independent experts *to evaluate proposals or to advise on or assist with*:

Amendment

1. The Commission and, where appropriate, funding bodies *shall establish, on the basis of requests from the Member States, a database, in the form of a list, of independent scientific experts representing the scientific disciplines included in the relevant classification. Reviewers shall be selected from this list for*:

Or. pl

Justification

The introductory part requires clarification.

Amendment 578

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission and, *where appropriate*, funding bodies *may* appoint independent experts to evaluate proposals or to advise on or assist with:

Amendment

1. The Commission and funding bodies *shall* appoint independent experts to evaluate proposals or to advise on or assist with:

Or. en

Amendment 579

Adam Gierek

Proposal for a regulation
Article 37 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) the evaluation of proposals;

a) *(Does not affect English version.)*

Or. pl

Justification

(Does not affect English version.)

Amendment 580
Adam Gierek

Proposal for a regulation
Article 37 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) the monitoring of the implementation of actions carried out under Regulation (EU) No XX/XX [Horizon 2020] as well as of previous Research and/or Innovation Programmes;

b) *(Does not affect English version.)*

Or. pl

Justification

(Does not affect English version.)

Amendment 581
Adam Gierek

Proposal for a regulation
Article 37 – paragraph 1 – point d

Text proposed by the Commission

Amendment

d) the evaluation of Research and

d) *(Does not affect English version.)*

Innovation Programmes;

Or. pl

Justification

(Does not affect English version.)

Amendment 582

Alejo Vidal-Quadras, Cristina Gutiérrez-Cortines, Pilar del Castillo Vera

Proposal for a regulation

Article 37 – paragraph 1 – point d

Text proposed by the Commission

(d) the evaluation of Research and Innovation Programmes;

Amendment

(d) the evaluation of Research and Innovation Programmes, ***carrying out comparative studies with those countries excelling in R&D among other means;***

Or. en

Amendment 583

Adam Gierek

Proposal for a regulation

Article 37 – paragraph 1 – point e

Text proposed by the Commission

e) the ***design*** of the Union research and innovation policy including the preparation of future programmes.

Amendment

e) the ***development*** of the Union research and innovation policy including the preparation of future programmes.

Or. pl

Justification

The group of independent experts should be established in agreement with the Member States in the form of a database of names attached to particular scientific disciplines.

Amendment 584
Hermann Winkler

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge, ***including knowledge of languages***, appropriate to carry out the tasks assigned to them. ***This will help ensure that proposals for projects submitted in languages other than English can also be evaluated. The skills, experience and knowledge of the experts concerned shall correspond to the priority addressed by the project in question.*** In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Or. de

Justification

SMEs in particular should have more than just the theoretical possibility of submitting projects in languages other than English. Such applications have hitherto had little chance of success for language reasons alone. Experts assessing projects under the 'Industrial leadership' heading should also have experience in this field. The same applies to the other two priorities.

Amendment 585
Amalia Sartori, Lara Comi, Gabriele Albertini, Aldo Patriciello, Antonio Cancian

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the

tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

tasks assigned to them. ***When appointing independent experts, the Commission shall seek to achieve a balanced composition within the expert groups in terms of various skills, experience and knowledge, depending on the field of the action and a strong involvement of experts coming from the industry sector.***

In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Or. en

Justification

While the first sentence refers to the criteria for choosing the individual expert, the second sentence stresses the importance of a balanced composition of the expert groups. For the activities under Industrial Leadership and Societal challenges, a greater involvement of evaluators from the industrial sector would be desirable as the evaluation process is currently very "academia-oriented".

Amendment 586

Alyn Smith

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. ***When appointing independent experts, the Commission shall seek to achieve a balanced composition within the expert groups in terms of various skills, experience and knowledge, depending on the field of the action.*** In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment 587

Kent Johansson, Fiona Hall, Jens Rohde

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. ***When appointing independent experts, the Commission shall seek to achieve a balanced composition within the expert groups in terms of various skills, experience, knowledge and gender.*** In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment 588

Teresa Riera Madurell

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. ***When appointing independent experts, the Commission shall seek to achieve a balanced composition within the expert groups in terms of various skills, experience, knowledge and gender, depending on the field of the action.*** In cases where

independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Or. en

Amendment 589
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. ***Selection of experts shall take into account the need to ensure a multidisciplinary approach and reflect a wide range of knowledge and views.*** In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Or. en

Amendment 590
Jean-Pierre Audy

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. ***When choosing experts, the Commission shall ensure a balance between different stakeholders'***

security clearance shall be required before appointment.

representatives. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Or. en

Justification

It offer happened over the 7FP that in panel of experts there was a lack of experts issued also from and industrial background. It should therefore be recognized the need to employ as evaluators an increased participation of experts who in assessing proposals concerning research activities support also industrial competitiveness.

Amendment 591

Marita Ulvskog

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment. ***Gender balance shall be taken into account in the appointment of independent experts.***

Or. en

Amendment 592

Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them ***as well as gender and geographical balance***. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Or. en

Amendment 593

Adam Gierek

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Independent experts shall be chosen on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Amendment

2. Independent experts shall be chosen ***from the list referred to in paragraph 1*** on the basis of skills, experience and knowledge appropriate to carry out the tasks assigned to them. In cases where independent experts have to deal with classified information, the appropriate security clearance shall be required before appointment.

Or. pl

Justification

The group of independent experts should be established in agreement with the Member States in the form of a database of names attached to particular scientific disciplines.

Amendment 594

Adam Gierek

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Independent experts shall be identified and selected on the basis of ***calls for applications from individuals and calls*** addressed to relevant organisations such as national research agencies, research institutions, standardisation organisations or enterprises with a view to establishing a database of candidates.

Amendment

Independent experts shall be identified and selected on the basis of ***the scientific disciplines featured in the applications*** addressed to relevant organisations such as national research agencies, research institutions, standardisation organisations or enterprises with a view to establishing a database of candidates.

Or. pl

Justification

The group of independent experts should be established in agreement with the Member States in the form of a database of names attached to particular scientific disciplines.

Amendment 595
Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Independent experts shall be identified and selected on the basis of calls for applications from individuals and calls addressed to relevant organisations such as national research agencies, research institutions, standardisation organisations or enterprises with a view to establishing a database of candidates.

Amendment

Independent experts shall be identified and selected on the basis of calls for applications from individuals and calls addressed to relevant organisations such as national ***and regional*** research agencies, research ***and technology*** institutions, standardisation organisations or ***enterprise organisations and*** enterprises with a view to establishing a database of candidates.

Or. en

Amendment 596
Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Independent experts shall be identified and selected on the basis of calls for applications from individuals and calls addressed to relevant organisations such as national research agencies, research institutions, standardisation organisations or enterprises with a view to establishing a database of candidates.

Amendment

Independent experts shall be identified and selected on the basis of calls for applications from individuals and calls addressed to relevant organisations such as national research agencies, research institutions, **universities**, standardisation organisations, **civil society organisations**, or enterprises with a view to establishing a database of candidates.

Or. en

Amendment 597

Francisco Sosa Wagner

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Independent experts shall be identified and selected on the basis of calls for applications from individuals and calls addressed to relevant organisations such as national research agencies, research institutions, standardisation organisations or enterprises with a view to establishing a database of candidates.

Amendment

Independent experts shall be identified and selected on the basis of calls for applications from individuals and calls addressed to relevant organisations such as national research agencies, research institutions, **universities**, standardisation organisations or enterprises with a view to establishing a database of candidates.

Or. es

Justification

No list of organisations who should be involved in the selection of experts can be complete without universities.

Amendment 598
Norbert Glante

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission or the relevant funding body may, if deemed appropriate and in duly justified cases, select any individual with the appropriate skills from outside the database. ***deleted***

Or. de

Justification

For reasons of transparency, it should remain mandatory for experts to be included in a common database.

Amendment 599
Teresa Riera Madurell

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission or the relevant funding body may, if deemed appropriate and in duly justified cases, select any individual with the appropriate skills from outside the database.

The Commission or the relevant funding body may, if deemed appropriate and in duly justified cases, select any individual with the appropriate skills from outside the database. ***The Commission shall duly inform the programme committee of these cases.***

Or. en

Amendment 600
Francisco Sosa Wagner

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Commission or the relevant funding body may, *if deemed appropriate and* in duly justified cases, select any *individual* with the appropriate skills from outside the database.

Amendment

The Commission or the relevant funding body may, in duly justified cases *and with due account for the specific nature of the subject at hand*, select any *expert* with the appropriate skills from outside the database.

Or. es

Justification

This will restrict the number of cases in which the Commission or the funding body may call on experts from outside the database.

Amendment 601

Judith A. Merkies

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

At least two fifths of the members of each evaluation panel for a Horizon 2020 project – with the exception of projects falling under the European Research Council – shall be industry representatives with appropriate expertise. At least two fifths of the members of each evaluation panel for a Horizon 2020 project specifically aimed at SMEs shall be SME representatives and one fifth shall be drawn from the rest of industry, in both cases with appropriate expertise.

Or. nl

Amendment 602

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to seek gender balance and geographical diversity when appointing independent experts.

Amendment

Appropriate measures shall be taken to seek ***interest balance***, gender balance and geographical diversity when appointing independent experts. ***In particular, the Commission shall make sure that no specific interest represents more than one third of non-governmental experts. Appropriate measures shall be taken to prevent the capture of expert groups by private and/or commercial interests.***

Or. en

Amendment 603

Marisa Matias

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to seek gender balance and geographical diversity when appointing independent experts.

Amendment

Appropriate measures shall be taken to seek ***interests balance as well as*** gender balance and geographical diversity when appointing independent experts. ***In particular, appropriate measures shall be taken to prevent the capture of expert groups by private and/or commercial interests.***

Or. en

Amendment 604

Francisco Sosa Wagner

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to seek gender balance and geographical diversity when appointing independent experts.

Amendment

Appropriate measures shall be taken to seek gender balance and geographical diversity when appointing independent experts, ***also to ensure that no specific interest group is overrepresented, which could compromise the impartiality of the decision-making process.***

Or. es

Justification

This is to stress the importance of striking a fair balance when appointing independent experts, and thereby ensuring that there are no conflicts of interest.

Amendment 605

András Gyürk

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to ***seek*** gender ***balance*** and geographical ***diversity*** when appointing independent experts.

Amendment

Appropriate measures shall be taken to ***ensure*** gender and geographical ***balance to the extent possible*** when appointing independent experts.

Or. en

Amendment 606

Edit Herczog

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to ***seek*** gender ***balance*** and geographical

Amendment

Appropriate measures shall be taken to ***ensure*** gender and geographical ***balance to***

diversity when appointing independent experts.

the extent possible when appointing independent experts.

Or. en

Justification

Some anomalies in MS participation cannot be entirely explained by different levels of excellence and implies that there could also be a problem of lobbying during the proposals evaluation process. Regardless whether such a problem is real or not, the fact remains that researchers perceive it, so it needs to be ensured that no shadow of doubt is shed on the evaluation process. The most appropriate solution would be to ensure a proper geographical distribution of evaluators.

Amendment 607
Romana Jordan

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to ***seek*** gender ***balance*** and geographical ***diversity*** when appointing independent experts.

Amendment

Appropriate measures shall be taken to ***ensure*** gender and geographical ***balance to the extent possible*** when appointing independent experts.

Or. en

Amendment 608
Anna Záborská, Jan Březina

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to seek ***gender*** balance and geographical diversity when appointing independent experts.

Amendment

Appropriate measures shall be taken to seek balance ***between men and women, and*** geographical diversity when appointing independent experts.

Or. en

Amendment 609
Jean-Pierre Audy

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to *seek* gender balance *and geographical diversity* when appointing independent experts.

Amendment

Appropriate measures shall be taken to *ensure reasonable* gender balance when appointing independent experts.

Or. en

Justification

As in FP7, the balance between men and women among the evaluators is a fundamental objective, corresponding to Article 15 of the Horizon 2020 Regulation. On the other hand, geographical balance is not a fundamental principle which Horizon 2020 needs to respect.

Amendment 610
Silvia-Adriana Țicău

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to seek gender balance and geographical diversity when appointing independent experts.

Amendment

Appropriate measures shall be taken to seek gender balance, *balance between Member States* and geographical diversity when appointing independent experts.

Or. ro

Amendment 611
Marita Ulvskog

Proposal for a regulation
Article 37 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Appropriate measures shall be taken to ***seek*** gender balance and geographical diversity when appointing independent experts.

Amendment

Appropriate measures shall be taken to ***ensure*** gender balance and geographical diversity when appointing independent experts.

Or. en

Amendment 612

Marisa Matias

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a conflict of interests in relation to the matter on which the expert is required to provide an opinion.

Amendment

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a conflict of interests in relation to the matter on which the expert is required to provide an opinion, ***starting with the publication of their full declaration of professional activities and financial interests. Stakeholders or persons with conflicts of interests shall be prohibited from sitting "in a personal capacity".***

Or. en

Amendment 613

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a

Amendment

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a

conflict of interests in relation to the matter on which the expert is required to provide an opinion.

conflict of interests in relation to the matter on which the expert is required to provide an opinion, ***including with the publication of their full declaration of professional activities and financial interests, such as patents and shareholdings. Stakeholders or persons with conflicts of interests shall be prohibited from sitting 'in a personal capacity'.***

Or. en

Amendment 614
Francisco Sosa Wagner

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a conflict of interests in relation to the matter on which the expert is required to provide an opinion.

Amendment

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a conflict of interests in relation to the matter on which the expert is required to provide an opinion; ***one way of eliminating this risk would be to publish a full statement of professional activities and financial interests.***

Or. es

Justification

There is a need in this area for information justifying decisions taken by the Commission or funding body so as to eliminate any notions of conflicts of interests.

Amendment 615
Adam Gierek

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. The appointment of the experts may take the form of a framework appointment valid for the entire duration of Horizon 2020 with specific assignments of tasks.

Amendment

4. The appointment of the experts ***shall take place by the end of 2013, at the latest, and*** may take the form of a framework appointment valid for the entire duration of Horizon 2020 with specific assignments of tasks ***comprising a preliminary assessment of the project, an assessment of its implementation, and a final assessment.***

Or. pl

Justification

Given that Horizon 2020 will commence on 1 January 2014, the group of independent experts responsible for decision-making should already be in place on that date.

Amendment 616

Adam Gierek

**Proposal for a regulation
Article 37 – paragraph 5**

Text proposed by the Commission

5. The names of experts ***appointed in a personal capacity***, who have assisted the Commission or the funding bodies in implementation of Regulation (EU) No XX/XX Horizon 2020 and Decision No XX/XX/EU [the specific programme], shall be published at least once a year on the Internet site of the Commission or the funding body. The names of experts shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Amendment

5. The names of ***the independent*** experts – ***together with the scientific disciplines that they represent*** – who have assisted the Commission or the funding bodies in implementation of Regulation (EU) No XX/XX Horizon 2020 and Decision No XX/XX/EU [the specific programme], shall be published ***following their appointment in the period prior to the commencement of Horizon 2020, and the lists shall subsequently be updated*** at least once a year on the Internet site of the Commission or the funding body. The names of experts shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Justification

There is a clear link between establishing an up-to-date list of experts in a serious and deliberate manner and transparency in the Horizon 2020 grant allocation process.

Amendment 617

Norbert Glante

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action have jointly generated results and where ***their respective share of the work cannot be ascertained, they shall have*** joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Amendment

2. Where participants in an action have jointly generated results and where ***these jointly generated results cannot be divided up for the purposes of applying for, acquiring or retaining the corresponding patent protection or other intellectual property rights, the participants may decide to assign property rights in respect of the results to one of the participants, or they may retain*** joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Or. de

Justification

The rules governing participation should cover cases where the results cannot be divided up and participants are joint owners.

Amendment 618

Vicky Ford

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action have jointly generated results and where ***their respective share*** of the ***work cannot be ascertained***, they ***shall*** have joint ownership of those results. ***The*** joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Amendment

2. Where participants in an action have jointly generated results and where ***it is not possible to separate such joint invention, design or work for the purpose of applying for, obtaining and/or maintaining the relevant patent protection or any other intellectual property right***, they ***can decide to attribute ownership of those results to one of the participants, or they can*** have joint ownership of those results. ***In case of joint ownership, the joint*** owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Or. en

Justification

For clarification it should be specified that the participants also have the option of attributing the joint results to one participant.

Amendment 619

Teresa Riera Madurell

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action have jointly generated results and where their respective share of the work cannot be ascertained, they shall have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Amendment

2. Where participants in an action have jointly generated results and where their respective share of the work cannot be ascertained, ***or where it is not possible to separate such joint result for the purpose of obtaining and/or maintaining the relevant patent protection or any other intellectual property right***, they shall have joint ownership of those results. The joint owners shall establish an agreement

regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Or. en

Amendment 620
Jean-Pierre Audy

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action have jointly generated results and where their respective share of the work cannot be ascertained, they shall have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Amendment

2. Where participants in an action have jointly generated results and where their respective share of the work cannot be ascertained, ***or where it is not possible to separate such joint invention, design or work for the purpose of applying for, obtaining and or maintaining the relevant patent protection or any other intellectual property right***, they shall have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Or. en

Amendment 621
Ioannis A. Tsoukalas

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action have jointly generated results and where ***their respective share*** of the ***work cannot be***

Amendment

2. Where participants in an action have jointly generated results and where ***it is not possible to separate such joint invention,***

ascertained, they shall have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

design or work for the purpose of applying for, obtaining and/or maintaining the relevant patent protection or any other intellectual property right, they shall have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Or. en

Amendment 622
Marian-Jean Marinescu, Antonio Cancian

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action have jointly generated results and where their respective share of the work cannot be ascertained, they *shall* have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Amendment

2. Where participants in an action have jointly generated results and where their respective share of the work cannot be ascertained, they *can decide to attribute ownership of those results to one of the participant or they can* have joint ownership of those results. *In case of joint ownership*, the joint owners shall establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Or. en

Amendment 623
Angelika Niebler

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action **have** jointly **generated** results and where their respective share of the work cannot be ascertained, they shall have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation **and terms of exercise** of that joint ownership in accordance with their obligations under the grant agreement.

Amendment

2. Where participants in an action jointly **generate** results and where their respective share of the work cannot be ascertained, they shall have joint ownership of those results. The joint owners shall establish an agreement regarding the allocation of that joint ownership **and/or the terms of exercise of joint ownership** in accordance with their obligations under the grant agreement.

Or. de

Amendment 624

Seán Kelly

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where participants in an action **have** jointly **generated** results and where their respective share of the work cannot be ascertained, they shall have joint ownership of those results. The joint owners shall establish an agreement **regarding** the **allocation and** terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Amendment

2. Where participants in an action **are** jointly **generating** results and where their respective share of the work cannot be ascertained, they shall have joint ownership of those results. The joint owners shall establish an agreement **on how to allocate the ownership and/or on the** terms of exercise of that joint ownership in accordance with their obligations under the grant agreement.

Or. en

Amendment 625

Ioannis A. Tsoukalas

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to ***grant non-exclusive licences to third parties to exploit the jointly owned results***, without ***any right to sub-licence, subject to the following conditions***:

Amendment

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to ***use their jointly owned foreground for non-commercial purposes such as internal research and training activities on a royalty-free basis, and without requiring the prior consent of the other joint owner(s).***

Or. en

Amendment 626
Teresa Riera Madurell

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to grant non-exclusive licences to third parties to exploit the jointly owned results, without any right to sub-licence, subject to the following conditions:

Amendment

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to ***use the jointly owned results as it sees fit for internal research non-commercial purposes on a non-exclusive and royalty-free basis, and to commercially exploit and to*** grant non-exclusive licences to third parties to exploit the jointly owned results, without any right to sub-licence, subject to the following conditions:

Or. en

Amendment 627
Jean-Pierre Audy

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to grant non-exclusive licences to third parties ***to exploit the jointly owned results***, without any right to sub-licence, subject to the following conditions:

Amendment

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to ***exploit their jointly owned results, including to*** grant non-exclusive licences to third parties, without any right to sub-licence, subject to the following conditions:

Or. en

Amendment 628

Seán Kelly

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to grant non-exclusive licences to third parties to exploit the jointly owned results, without any right to sub-licence, ***subject to the following conditions:***

Amendment

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to grant non-exclusive licences to third parties to exploit the jointly owned results, ***including rights but*** without any right to sub-licence.

Or. en

Justification

The draft Rules regarding joint ownership, in particular the default regime with prior notification and compensation for non-exclusive licensing to third parties would create substantial barriers for the use of the jointly owned IP. The prospect of 'joint ownership' would therefore discourage collaborative research. It should be left to the discretion of the participants to reach a better suited agreement, based on a regime which stimulates the use of the research results.

Amendment 629

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to grant non-exclusive licences to third parties to exploit the jointly owned results, ***without any right to sub-licence***, subject to the following conditions:

Amendment

Unless otherwise agreed in the joint ownership agreement, each joint owner shall be entitled to grant non-exclusive licences to third parties to exploit the jointly owned results, subject to the following conditions:

Or. en

Amendment 630

Ioannis A. Tsoukalas

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(a) prior notice shall be given to the other joint owners;

Amendment

deleted

Or. en

Amendment 631

Seán Kelly

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(a) prior notice shall be given to the other joint owners;

Amendment

deleted

Or. en

Amendment 632

Seán Kelly

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) fair and reasonable compensation shall be provided to the other joint owners. *deleted*

Or. en

Amendment 633

Ioannis A. Tsoukalas

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) fair and reasonable compensation shall be provided to the other joint owners. *deleted*

Or. en

Amendment 634

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) fair and reasonable compensation shall be provided to the other joint owners.

(b) if compensation is required from the joint owners for granting non-exclusive licences to third parties to exploit the jointly owned results, compensation shall be fair and reasonable.

Or. en

Amendment 635

Pilar del Castillo Vera, Maria Da Graça Carvalho

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) fair and reasonable *compensation shall be provided to the other joint owners.*

(b) *under* fair and reasonable *conditions*

Or. en

Amendment 636

Jean-Pierre Audy, Gaston Franco

Proposal for a regulation

Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Notwithstanding paragraphs 1, 2 and 3, participants may agree on different arrangements governing ownership of the results.

Or. fr

Justification

This amendment will allow a certain flexibility for partners, who may agree on specific terms governing the ownership of results. This is particularly important for SMEs. When an action requires specific expertise or technology which constitutes one of the main assets of an SME, the latter must be able to preserve the marketing rights for this asset in order to remain competitive.

Amendment 637

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 39 – paragraph 1

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Text proposed by the Commission

1. Where results are capable of commercial or industrial application, the participant owning these results ***shall*** examine the possibility for protection and, if possible and justified given the circumstances, ***shall*** adequately protect them for an ***appropriate*** period of time and with an appropriate territorial coverage, having due regard to its legitimate interests and the legitimate interests, particularly the commercial interests, of the other participants in the action.

Amendment

1. Where results are capable of commercial or industrial application, the participant owning these results ***may*** examine the possibility for protection and, if possible and justified given the circumstances, ***may*** adequately protect them for an ***reasonable*** period of time and with an appropriate territorial coverage, having due regard to ***the public interest***, its legitimate interests and the legitimate interests, particularly the commercial interests, of the other participants in the action.

Or. en

Amendment 638
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

1. Where results are capable of commercial or industrial application, the participant owning these results shall examine the possibility for protection and, if possible and justified given the circumstances, shall adequately protect them for an appropriate period of time and with an appropriate territorial coverage, having due regard to its legitimate interests and the legitimate interests, particularly the commercial interests, of the other participants in the action.

Amendment

1. Where results are capable ***or may reasonably be expected to be capable*** of commercial or industrial application, the participant owning these results shall examine the possibility for protection and, if possible and justified given the circumstances, shall adequately protect them for an appropriate period of time and with an appropriate territorial coverage, having due regard to its legitimate interests and the legitimate interests, particularly the commercial interests, of the other participants in the action.

Or. en

Amendment 639
Philippe Lamberts, Amelia Andersdotter

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where a participant that has received Union funding intends not to protect results generated by it ***for reasons other than impossibility under Union or national law or the lack of potential for commercial exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State or associated country in view of their protection,*** it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection.

Amendment

2. Where a participant that has received Union funding intends not to protect results generated by it, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection, ***having regard to the public interest and with a view of maximising dissemination of results.***

Or. en

Amendment 640

Vicky Ford, Christian Ehler

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State or associated country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The

Amendment

2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State or associated country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The

Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection.

Commission on behalf of the Union or the funding body, *with the consent of the owning participant*, may assume ownership of these results and take the necessary steps for their adequate protection.

Or. en

Amendment 641

Pilar del Castillo Vera, Alejo Vidal-Quadras, Maria Da Graça Carvalho

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State or associated country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection.

Amendment

2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial *or industrial* exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State or associated country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection.

Or. en

Amendment 642

Jean-Pierre Audy

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State or associated country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection.

Amendment

2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial **or industrial** exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State or associated country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection.

Or. en

Amendment 643

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. No dissemination relating to these results may take place until the Commission or the funding body has taken a decision **or has decided that** it will assume ownership and has taken the **necessary** steps to ensure protection. The grant agreement shall lay down time-limits in this respect.

Amendment

The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. No dissemination relating to these results may take place until the Commission or the funding body has taken a decision **whether** it will assume ownership **or not** and has taken the steps, **as relevant**, to ensure protection. The grant agreement shall lay down time-limits in this respect.

Or. en

Amendment 644
Jean-Pierre Audy

Proposal for a regulation
Article 39 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. No dissemination relating to these results may take place until the Commission or the funding body has taken a decision or has decided that it will assume ownership and has taken the necessary steps to ensure protection. The grant agreement shall lay down time-limits in this respect.

Amendment

The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. No dissemination relating to these results may take place until the Commission or the funding body has taken a decision or has decided that it will assume ownership and has taken the necessary steps to ensure protection. The **model** grant agreement shall lay down time-limits in this respect.

Or. en

Amendment 645
Vicky Ford

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. Where a participant that has received Union funding intends to abandon the protection of results or not to seek extension of such protection for reasons other than the lack of potential for commercial exploitation, it shall inform the Commission or the funding body which may continue or extend protection by assuming ownership thereof. The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. The grant agreement shall lay down time-limits in this respect.

Amendment

3. Where a participant that has received Union funding intends to abandon the protection of results or not to seek extension of such protection for reasons other than the lack of potential for commercial exploitation ***within five years following the end of the action***, it shall inform the Commission or the funding body which may, ***with the consent of the owning participant***, continue or extend protection by assuming ownership thereof. ***The Commission or the funding body shall take this decision within 45 days.*** The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. The grant agreement shall lay down time-limits in

this respect.

Or. en

Justification

Changes suggested by DESCA coordinators.

Amendment 646

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. Where a participant that has received Union funding intends to abandon the protection of results or not to seek extension of such protection ***for reasons other than the lack of potential for commercial exploitation***, it shall inform the Commission or the funding body which may continue or extend protection by assuming ownership thereof. The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. The grant agreement shall lay down time-limits in this respect.

Amendment

3. Where a participant that has received Union funding intends to abandon the protection of results or not to seek extension of such protection, it shall inform the Commission or the funding body which may continue or extend protection by assuming ownership thereof. The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. The grant agreement shall lay down time-limits in this respect.

Or. en

Justification

The reasons why a participant intends to abandon protection or not seek extension of protection is not relevant to whether the Commission or funding body should decide or not to continue or extend protection.

Amendment 647

Jean-Pierre Audy

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. Where a participant that has received Union funding intends to abandon the protection of results or not to seek extension of such protection for reasons other than the lack of potential for commercial exploitation, it shall inform the Commission or the funding body which may continue or extend protection by assuming ownership thereof. The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. The grant agreement shall lay down time-limits in this respect.

Amendment

3. Where a participant that has received Union funding intends to abandon the protection of results or not to seek extension of such protection for reasons other than the lack of potential for commercial exploitation, it shall inform the Commission or the funding body which may continue or extend protection by assuming ownership thereof. The participant may refuse consent only if it demonstrates that its legitimate interests would suffer significant harm. The **model** grant agreement shall lay down time-limits in this respect.

Or. en

Amendment 648
Britta Thomsen

Proposal for a regulation
Article 40 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Each participant that has received Union funding shall use its best efforts to exploit the results it owns in further research or commercially, or to have them exploited by another legal entity for these purposes, in particular through transfer and licensing of results in accordance with Article 41.

Amendment

1. Each participant that has received Union funding shall use its best efforts to exploit the results it owns in further research or commercially, or to have them exploited by another legal entity for these purposes, in particular through transfer and licensing of results in accordance with Article 41. ***This could be done for instance through activities such as standardization.***

Or. en

Justification

Standardization plays an import role in the dissemination of research results and therefore it

should be mentioned explicitly.

Amendment 649

Jean-Pierre Audy

Proposal for a regulation

Article 40 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Each participant that has received Union funding shall use its best efforts to exploit the results it owns ***in further research or commercially***, or to have them exploited by another legal entity for these purposes, in particular through transfer and licensing of results in accordance with Article 41.

Amendment

1. Each participant that has received Union funding shall use its best efforts to exploit the results it owns, or to have them exploited by another legal entity for these purposes, in particular through transfer and licensing of results in accordance with Article 41.

Or. en

Justification

Cf. the insertion of a more complete definition of the concept of ‘exploitation’ in Article 2 for all the rules on participation.

Amendment 650

Ioannis A. Tsoukalas

Proposal for a regulation

Article 40 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Each participant that has received Union funding shall use its best efforts to exploit the results it owns in further research or commercially, or to have them exploited by another legal entity for these purposes, in particular through transfer and licensing of results in accordance with Article 41.

Amendment

1. Each participant that has received Union funding shall use its best efforts to exploit the results it owns in further research , ***development, innovation*** or commercially, or to have them exploited by another legal entity for these purposes, in particular through transfer and licensing of results in accordance with Article 41.

Or. en

Amendment 651
Marisa Matias

Proposal for a regulation
Article 40 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Additional exploitation obligations may be laid down in the grant agreement. Any such additional obligations shall be indicated in the work programme or work plan.

Amendment

Additional exploitation obligations may be laid down in the grant agreement. Any such additional obligations shall be indicated in the work programme or work plan. ***If the work programme is directed towards tackling major societal challenges (health, climate, biodiversity), exploitation, transfer and licensing of results shall take place according to the principles of Global Access Licensing, to ensure maximum uptake of innovative solutions in the best public interest, and to foster accessibility of research results to those who are affected.***

Or. en

Amendment 652
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Subject to any restrictions due to the protection of intellectual property, security rules or legitimate commercial interests, each participant shall through appropriate means disseminate the results it owns as soon as possible. The grant agreement may lay down time-limits in this respect.

Amendment

2. Subject to any restrictions due to the protection of intellectual property, security rules or legitimate commercial interests, each participant shall through appropriate means disseminate the results it owns as soon as possible. The grant agreement may lay down time-limits in this respect. ***In the field of major societal challenges (health, climate, biodiversity), licensing of results to third parties shall by default take place***

on non- exclusive terms so as to enable immediate competition and thereby to foster global accessibility.

Or. en

Amendment 653
Jean-Pierre Audy

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Additional dissemination obligations may be laid down in the grant agreement.

Amendment

Additional dissemination obligations may be laid down in the grant agreement. ***Any such additional obligations shall be indicated in the work programme or work plan.***

Or. en

Amendment 654
Christian Ehler, Maria Da Graça Carvalho

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through research publications, open access shall ***apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.***

Amendment

With regard to dissemination through research publications, open access shall be ***promoted.***

Or. en

Justification

As a general rule, open access shall be provided to research publications by funding the costs of free online open access to these publications. Open access shall however be limited to research publications. Regarding access and open access to results see AM 85 in the Rapporteur's draft report.

Amendment 655

Francisco Sosa Wagner

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through research publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Amendment

With regard to dissemination through research publications, open access shall apply under the terms and conditions laid down in the grant agreement. ***This arrangement shall be automatic, with a view to ensuring free online public access to EU-funded research publications as soon as possible or, at all events, within six months of their appearing in a scientific journal. Any costs incurred in providing such access shall be covered by EU funds.*** With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas, ***for example in cases where there are overriding reasons in the public interest, the results of research in the field of public health shall be made freely available.***

Or. es

Justification

Open online public access shall be automatically provided to EU research publications as soon as possible or, at all events, within six months of their appearing in a scientific journal.

Amendment 656
Ioannis A. Tsoukalas

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through research publications, open access shall apply **under** the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Amendment

With regard to dissemination through research publications, open access shall apply **as the default policy, except in cases where it is sufficiently justified and otherwise stated in the** terms and conditions laid down in the grant agreement. **On-line, free of charge, public access of Union funded research publications to Unions' citizens and companies, within six months of publication in a peer-reviewed scientific journal, shall be the default model. Any open access charges may, when applicable, be covered from the relevant Union funding. The role and operation of digital infrastructures and repositories for the visibility and dissemination of Horizon 2020 research results should be strengthened.** With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Or. en

Amendment 657
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through

Amendment

With regard to dissemination through

research publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement *may* lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other *appropriate* areas.

research publications, open access shall apply *as default policy with the aim of free of charge, on-line public access to Union funded research publications as soon as possible, and in any event within six months of publication, in a peer-reviewed scientific journal and* under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement *shall* lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other *public interest* areas *such as public health, environment or other major societal interest*.

Or. en

Amendment 658
Jean-Pierre Audy

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through *research* publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement *may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas*.

Amendment

With regard to dissemination through *scientific* publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the *model* grant agreement.

Or. en

Amendment 659
Teresa Riera Madurell

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through research publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Amendment

With regard to dissemination through research publications, open access shall apply ***as a default policy with the aim of free of charge, on-line public access to Union funded research publications no later than six months after they have been published in a peer-reviewed scientific journal*** under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open ***digital*** access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Or. en

Amendment 660
Vicky Ford

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through research publications, open access ***shall*** apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Amendment

With regard to dissemination through research publications ***which describe, interpret, or analyse data, knowledge or information generated as a direct result of Horizon 2020 funding, sustainable*** open access ***may*** apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which ***sustainable*** open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Amendment 661
Antonio Cancian

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission

With regard to dissemination through research publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular *in ERC frontier research or in other appropriate areas*.

Amendment

With regard to dissemination through research publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided. *Open access to research results shall be kept limited to ensure IPRs are respected*, in particular *with regard to third countries*.

Amendment 662
Ioannis A. Tsoukalas

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Proposals shall contain a data management and sharing plan to ensure that data arising from research is managed and made available as widely and freely as possible to maximize public benefit while acknowledging that sharing shall always take account of enhancing the long term value of the data, which may require a limited period of exclusive use of the research results.

Amendment 663

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Proposals shall contain a management and sharing plan of data and other results to ensure that they are made available as widely and freely as possible, while acknowledging the possible need for a limited period of exclusive use of the research results.

Or. en

Amendment 664

Christian Ehler, Paul Rübig

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Open access to research publications that are published after the duration of a project shall be supported through a lump sum to be paid at the end of a project.

Or. en

Justification

Given the fact that publications activities often do not unfold until after the end of the actual project (wherein dissemination activities would be covered by the project funding), means have to be provided that cover dissemination costs and costs for open access after the end of a project. In order to avoid a complicated reimbursement system, a lump sum to be paid at the end of the project is considered the most feasible option to achieve this.

Amendment 665
Ioannis A. Tsoukalas

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

To properly manage and make accessible open access research data, the Commission shall establish and manage an open-access, online European Research Library

Or. en

Amendment 666
Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

Prior notice of any dissemination activity shall be given to the other participants. Following notification, a participant may object if it demonstrates that its legitimate interests in relation to its results or background would suffer significant harm by the intended dissemination. In such cases, the dissemination activity may not take place unless appropriate steps are taken to safeguard these legitimate interests. The grant agreement may lay down time-limits in this respect.

Prior notice of any dissemination activity shall be given to the other participants, ***unless otherwise agreed in the consortium agreement***. Following notification, a participant may object if it demonstrates that its legitimate interests in relation to its results or background would suffer significant harm by the intended dissemination. In such cases, the dissemination activity may not take place unless appropriate steps are taken to safeguard these legitimate interests. The grant agreement may lay down time-limits in this respect.

Or. en

Amendment 667

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Prior notice of any dissemination activity shall be given to the other participants. Following notification, a participant may object if it demonstrates that its legitimate interests in relation to its results or background would suffer significant harm by the intended dissemination. In such cases, the dissemination activity may not take place unless appropriate steps are taken to safeguard these legitimate interests. The grant agreement *may* lay down time-limits in this respect.

Amendment

Prior notice of any dissemination activity shall be given to the other participants. Following notification, a participant may object if it demonstrates that its legitimate interests in relation to its results or background would suffer significant harm by the intended dissemination. In such cases, the dissemination activity may not take place unless appropriate steps are taken to safeguard these legitimate interests. The grant agreement *shall* lay down *reasonable* time-limits in this respect.

Or. en

Amendment 668

Jean-Pierre Audy

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Prior notice of any dissemination activity shall be given to the other participants. Following notification, a participant may object if it demonstrates that its legitimate interests in relation to its results or background would suffer significant harm by the intended dissemination. In such cases, the dissemination activity may not take place unless appropriate steps are taken to safeguard these legitimate interests. The grant agreement *may* lay down time-limits in this respect.

Amendment

Prior notice of any dissemination activity shall be given to the other participants. Following notification, a participant may object if it demonstrates that its legitimate interests in relation to its results or background would suffer significant harm by the intended dissemination. In such cases, the dissemination activity may not take place unless appropriate steps are taken to safeguard these legitimate interests. The *model* grant agreement *shall* lay down time-limits in this respect.

Amendment 669
Lambert van Nistelrooij

Proposal for a regulation
Article 40 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. With regard to dissemination of results, the consortium agreement shall lay down the terms and conditions under which open access to results shall be provided, in particular in ERC frontier research or in other appropriate areas.

Or. en(In reference to Amendment 86; PE489.632v01-00)

Justification

Negotiating agreements regarding the dissemination of results in the consortium agreement, instead of the grant agreement allows consortium partners to tailor agreements regarding the dissemination of their results to their specific circumstances.

Amendment 670
Vicky Ford

Proposal for a regulation
Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. Each participant shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down in the grant agreement.

3. During the duration of the action and for a period of one year after its end each participant, upon request by the Commission, shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down

in the grant agreement.

Or. en

Justification

Changes suggested by DESCA coordinators.

Amendment 671

Marisa Matias

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission

3. Each participant shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down in the grant agreement.

Amendment

3. Each participant shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down in the grant agreement. ***To ensure transparency, the reports shall be made publicly available.***

Or. en

Amendment 672

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission

3. Each participant shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring

Amendment

3. Each participant shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring

and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down in the grant agreement.

and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down in the grant agreement. ***To ensure transparency, the reports shall be made publicly available.***

Or. en

Amendment 673
Francisco Sosa Wagner

Proposal for a regulation
Article 40 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Access to patent applications, standards, publications or any other means of dissemination, including electronic format, relating to the results of the related research shall be ensured for people with disabilities on the same terms as for any other citizen.

Or. es

Justification

Access to the results of any research conducted under Horizon 2020 shall be guaranteed for people with disabilities on the same terms as for anybody else.

Amendment 674
Marisa Matias

Proposal for a regulation
Article 40 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In order to achieve a more effective and productive dissemination of results,

and allow them to reach their full potential for society, engagement shall be promoted between scientific community and citizens, civil society, cities, local, regional and national authorities, industry and other economic stakeholders.

Or. en

Amendment 675

Patrizia Toia

Proposal for a regulation

Article 40 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. All patent applications, standards, publications or any other dissemination tools, also in electronic form, relating to results shall be made available and accessible, on an equal basis with others, to persons with disabilities.

Or. en

Justification

Persons with disabilities should have equal access to patent applications, standards, publications or any other dissemination tools, also in electronic form, relating to project results funded by Horizon 2020, all the more so when it is about public funding.

Amendment 676

Claudio Morganti, Oreste Rossi, Fiorello Provera

Proposal for a regulation

Article 40 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. All patent applications, standards, publications or any other dissemination tools, also in electronic form, relating to

results shall be made available and accessible, on an equal basis with others, to persons with disabilities.

Or. en

Amendment 677
Jean-Pierre Audy

Proposal for a regulation
Article 41 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Without prejudice to confidentiality obligations arising from laws or **regulations** in the case of mergers and acquisitions, where other participants still enjoy access rights to the results to be transferred, the participant who intends to transfer the results shall give prior notice to those other participants, together with sufficient information concerning the intended new owner of the results to permit the other participants to analyse the effect of the intended transfer on the possible exercise of their access rights.

Amendment

Without prejudice to confidentiality obligations arising from laws, regulations or **contractual undertakings** in the case of mergers and acquisitions, where other participants still enjoy access rights to the results to be transferred, the participant who intends to transfer the results shall give prior notice to those other participants, together with sufficient information concerning the intended new owner of the results to permit the other participants to analyse the effect of the intended transfer on the possible exercise of their access rights.

Or. en

Amendment 678
Andrzej Grzyb, Jerzy Buzek, Jolanta Emilia Hibner, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Krišjānis Kariņš

Proposal for a regulation
Article 41 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Without prejudice to confidentiality obligations arising from laws or regulations in the case of mergers and acquisitions, where other participants still enjoy access

Amendment

Without prejudice to confidentiality obligations arising from laws or regulations in the case of mergers and acquisitions, where other participants still enjoy access

rights to the results to be transferred, the participant who intends to transfer the results shall give prior notice to those other participants, together with sufficient information concerning the intended new owner of the results to permit the other participants to analyse the effect of the intended transfer on the possible exercise of their access rights.

rights to the results to be transferred, ***unless otherwise agreed in the consortium agreement***, the participant who intends to transfer the results shall give prior notice to those other participants, together with sufficient information concerning the intended new owner of the results to permit the other participants to analyse the effect of the intended transfer on the possible exercise of their access rights.

Or. en

Amendment 679
Teresa Riera Madurell

Proposal for a regulation
Article 41 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Without prejudice to confidentiality obligations arising from laws or regulations in the case of mergers and acquisitions, where other participants still enjoy access rights to the results to be transferred, the participant who intends to transfer the results shall give prior notice to those other participants, together with sufficient information concerning the intended new owner of the results to permit the other participants to analyse the effect of the intended transfer on the possible exercise of their access rights.

Amendment

Without prejudice to confidentiality obligations arising from laws or regulations in the case of mergers and acquisitions, where other participants still enjoy access rights ***or may still request the granting of access rights*** to the results to be transferred, the participant who intends to transfer the results shall give prior notice to those other participants, together with sufficient information concerning the intended new owner of the results to permit the other participants to analyse the effect of the intended transfer on the possible exercise of their access rights.

Or. en

Amendment 680
Vicky Ford

Proposal for a regulation
Article 41 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Following notification, a participant may object to the transfer of ownership if it demonstrates that the intended transfer would adversely affect the exercise of its access rights. In such case, the transfer may not take place until agreement has been reached between the participants concerned. The grant agreement may lay down time-limits. ***deleted***

Or. en

Justification

In case of transfer of own results, the obligation to safeguard the other parties' potential access rights is sufficient and a right to object therefore not necessary. The objection possibility has the potential to lead to blockades and should therefore be deleted.

Amendment 681

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 41 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Following notification, a participant may object to the transfer of ownership if it demonstrates that the intended transfer would adversely affect the exercise of its access rights. In such case, the transfer may not take place until agreement has been reached between the participants concerned. The grant agreement ***may*** lay down time-limits.

Following notification, a participant may object to the transfer of ownership if it demonstrates that the intended transfer would adversely affect the exercise of its access rights. In such case, the transfer may not take place until agreement has been reached between the participants concerned. The grant agreement ***shall*** lay down ***reasonable*** time-limits.

Or. en

Amendment 682
Jean-Pierre Audy, Gaston Franco

Proposal for a regulation
Article 41 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

A participant may – without having to seek the authorisation of the other participants but on condition that the other participants are informed in writing and that the assignee consents in writing to be bound by the obligations arising from the grant agreement and the consortium agreement – assign his new knowledge to:

- (a) his affiliated entities;*
- (b) any party that acquires all or a substantial part of his assets; or*
- (c) any entity which succeeds him as a result of a merger or consolidation of that party with such entities.*

Or. fr

Justification

This amendment will avoid any unnecessary bureaucracy in the event of a merger or acquisition. Where the acquirer agrees to accept for his account all the rights and obligations arising from the original contract, there is no point in requiring the express written agreement of all the partners (which would cause very substantial delays, particularly in projects with many participants).

Amendment 683
Antonio Cancian

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

Amendment

2. Provided that any access rights to the results can be exercised and that **any**

2. Provided that any access rights to the results can be exercised, that any additional

additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity, including on an exclusive basis.

exploitation obligations are complied with, and that *the results are transferred to a legal entity established within a Member State or associated country*, participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity, including on an exclusive basis. *Where a participant intends to transfer a result to a legal entity established in a country not associated to Horizon 2020, that participant shall seek the approval of all the other participants in the action. Where participants intend to exploit the results through an exclusivity scheme they shall indicate it in their submitted proposal.*

Or. en

Amendment 684
Marisa Matias

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity, including on an exclusive basis.

Amendment

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity, including on an exclusive basis. *Where the results belonging to a participant can be used to tackle major societal challenges (health, climate, biodiversity), and the participant transfers rights to another party, this transfer shall occur according to the principles of "global access licensing", i.e. in a way that ensures maximum uptake of results and reduces the barriers for future innovation.*

Or. en

Amendment 685

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity, **including** on an exclusive basis.

Amendment

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity. ***The possibility to grant licenses on an exclusive basis shall be exceptional and should not conflict with the objective of maximum dissemination and exploitation of results. Terms for its conditions shall be laid down in the grant agreement.***

Or. en

Amendment 686

Norbert Glante

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit **them** to any legal entity, including on an exclusive basis.

Amendment

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with ***by*** the participant who owns results, ***that participant*** may grant licences or otherwise give the right to exploit ***the results*** to any legal entity, including on an exclusive basis. ***Exclusive licences for results may be granted subject to written confirmation by all the other participants concerned that they waive their access rights thereto.***

Justification

It must be explicitly laid down that exclusive rights may be granted only on condition that all the other participants concerned sign a waiver.

Amendment 687

Vicky Ford, Christian Ehler

Proposal for a regulation

Article 41 – paragraph 2

Text proposed by the Commission

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit **them** to any legal entity, including on an exclusive basis.

Amendment

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with **by the participant who owns results**, the participant who owns results may grant licences or otherwise give the right to exploit **the results** to any legal entity, including on an exclusive basis. **Exclusive licences for results may be granted subject to written confirmation by all the other participants that they waive their access rights thereto.**

Justification

This paragraph should be more specific in order to avoid misunderstandings. Otherwise, it could be read to mean that licensing may only take place if everyone follows their exploitation obligations. Safeguarding other partners' access rights and exclusive licensing do not seem to go together; therefore it should be clarified that this necessarily requires a waiver.

Amendment 688

Jean-Pierre Audy

Proposal for a regulation

Article 41 – paragraph 2

Text proposed by the Commission

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with, the participant who owns results may grant licences or otherwise give the right to exploit **them** to any legal entity, including on an exclusive basis.

Amendment

2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with **by the participant who owns results**, the participant who owns results may grant licences or otherwise give the right to exploit **the results** to any legal entity, including on an exclusive basis. **Exclusive licences for results may be granted subject to written confirmation by all the other participants that they waive their access rights thereto.**

Or. en

Justification

In the interests of greater clarity, it should be stated that an exclusive licence can only be granted if all participants waive their access rights to the background/result to which the licence pertains.

Amendment 689

Marisa Matias

Proposal for a regulation

Article 41 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. With regard to results which are generated by participants that have received Union funding, the Commission or funding body may object to transfers of ownership or to grants of an exclusive licence, to third parties established in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations.

Amendment

3. With regard to results which are generated by participants that have received Union funding, the Commission or funding body may object to transfers of ownership or to grants of an exclusive licence, to third parties established in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations **or is likely to obstruct**

access to the resulting products in a way harmful to the public interest (namely in the case of novel lifesaving medicines and medical technologies).

Or. en

Amendment 690
Jean-Pierre Audy

Proposal for a regulation
Article 41 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. With regard to results which are generated by participants that have received Union funding, the Commission or funding body may object to transfers of ownership or to grants of an exclusive licence, to third parties established in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations.

Amendment

3. With regard to results which are generated by participants that have received Union funding, the **grant agreement may provide that the** Commission or funding body **or any participant in the action** may object to transfers of ownership or to grants of an exclusive licence, to third parties established in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations.

Or. en

Justification

Transfer of results to legal entities established outside the participating or associated countries of Horizon 2020 should require previous authorization from the participants of the action to avoid that either participant's background of developed foreground is transferred to non EU companies. This measure helps to preserve and safeguard EU competitiveness.

Amendment 691
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 41 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. With regard to results which are generated by participants that have received Union funding, the Commission or funding body may object to transfers of ownership or to grants of an exclusive licence, to third parties established in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations.

Amendment

3. With regard to results which are generated by participants that have received Union funding, the Commission or funding body may object to transfers of ownership or to grants of an exclusive licence, to third parties established ***within the Union or*** in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations.

Or. en

Amendment 692
Antonio Cancian, Jean-Pierre Audy

Proposal for a regulation
Article 41 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In such cases, the transfer of ownership or grant of exclusive licence shall not take place unless the Commission or funding body is satisfied that appropriate safeguards will be put in place.

Amendment

In such cases, the transfer of ownership or grant of exclusive licence shall not take place unless the Commission or funding body ***or the participant in the action*** is satisfied that appropriate safeguards will be put in place.

Or. en

Amendment 693
Jean-Pierre Audy

Proposal for a regulation
Article 41 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where appropriate, the grant agreement shall provide that the Commission or funding body is to be notified in advance of any such transfer of ownership or grant of an exclusive licence. The grant agreement shall lay down time-limits.

Amendment

Where appropriate, the grant agreement shall provide that the Commission or funding body ***or any participant in the action*** is to be notified in advance of any such transfer of ownership or grant of an exclusive licence. The ***model*** grant agreement shall lay down time-limits.

Or. en

Justification

Transfer of results to legal entities established outside the participating or associated countries of Horizon 2020 should require previous authorization from the participants of the action to avoid that either participant's background of developed foreground is transferred to non EU companies. This measure helps to preserve and safeguard EU competitiveness.

Amendment 694
Antonio Cancian

Proposal for a regulation
Article 41 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where appropriate, the grant agreement shall provide that the Commission or funding body is to be notified in advance of any such transfer of ownership or grant of an exclusive licence. The grant agreement shall lay down time-limits.

Amendment

Where appropriate, the grant agreement shall provide that the Commission or funding body ***or any participant in the action*** is to be notified in advance of any such transfer of ownership or grant of an exclusive licence. The grant agreement shall lay down time-limits.

Or. en

Amendment 695
Bernd Lange

Proposal for a regulation
Article 41 a (new)

Text proposed by the Commission

Amendment

Article 41 a

Where research is conducted in an area of relevance to public health, the licensing of public research results shall be conditional on the ensuing medicines, diagnostics and procedures being globally accessible.

Or. de

Justification

The results of public research should be accessible for everyone. The social benefits should therefore be taken into account in the context of European research alongside scientific excellence. This includes global access to vital medicines.

Amendment 696

Jean-Pierre Audy, Gaston Franco

Proposal for a regulation

Article 42

Text proposed by the Commission

Amendment

Participants shall identify the background for their action in any manner in a written agreement.

Participants shall identify the ***necessary*** background for their action in any manner in a written agreement.

Or. fr

Amendment 697

Jean-Pierre Audy, Gaston Franco

Proposal for a regulation

Article 43 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The principles governing rights of access as defined in this article shall

constitute a minimum precondition, which may be expanded at the discretion of, and by means of an agreement between, all the participants in a specific action.

Or. fr

Amendment 698
Jean-Pierre Audy, Gaston Franco

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. Any request to exercise access rights or any waiving of access rights shall be made in writing.

Amendment

1. Any request to exercise access rights or any waiving of access rights shall be made in writing *and obtained directly from the participant owning the results or the background, unless otherwise agreed among the participants.*

Waiving of access rights can only be done on a case by case basis, after the particular result or background has been generated, unless otherwise agreed among the participants.

Or. en

Amendment 699
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. Any request to exercise access rights or any waiving of access rights shall be made in writing.

Amendment

1. Any request to exercise access rights or any waiving of access rights shall be made in writing. *Waiving of access rights can only be done on a case-by-case basis, after the particular result or background has been generated.*

Justification

This is to ensure that partners are not put under pressure to sign general waivers in the consortium agreement.

Amendment 700

Ioannis A. Tsoukalas

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

1. Any request to exercise access rights or any waiving of access rights shall be made in writing.

Amendment

1. Any request to exercise access rights or any waiving of access rights shall be made in writing ***unless otherwise agreed between the participants.***

Amendment 701

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 2

Text proposed by the Commission

2. Unless otherwise agreed by the owner of the results or background to which access is requested, access rights shall not include the right to sub-licence.

Amendment

deleted

Amendment 702

Jean-Pierre Audy, Gaston Franco

Proposal for a regulation
Article 43 – paragraph 3

Text proposed by the Commission

3. Participants in the same action shall inform each other before their accession to the grant agreement of any legal restriction or limit to granting access to their background. Any agreement concluded thereafter by a participant regarding background shall ensure that any access rights may be exercised.

Amendment

3. Participants in the same action shall inform each other before their accession to the grant agreement of any legal restriction or limit to granting access to their background. Any agreement concluded thereafter by a participant regarding background shall ensure that any access rights may be exercised. ***The Commission or the funding body shall be informed of the restriction(s) before the grant agreement is concluded and shall consider the impact which the restriction(s) have or will have on the attainment of the aims of the specific project.***

Or. fr

Justification

This amendment is intended to prevent the list of exclusions from access rights from including elements which would be needed in order to attain the aims of the action. On the other hand, the exclusions are necessary in cases in which the background is covered by contracts (for example, contracts relating to confidentiality or to the transfer of materials) or licences with third parties.

Amendment 703
Vicky Ford

Proposal for a regulation
Article 43 – paragraph 4

Text proposed by the Commission

4. For the purposes of access rights, fair and reasonable conditions may be royalty-free conditions.

Amendment

deleted

Or. en

Justification

This paragraph should be deleted as it can lead to misunderstandings because "royalty-free" is only one possible facet of fair and reasonable conditions.

Amendment 704
Jean-Pierre Audy

Proposal for a regulation
Article 43 – paragraph 4

Text proposed by the Commission

Amendment

4. For the purposes of access rights, fair and reasonable conditions may be royalty-free conditions. *deleted*

Or. en

Justification

Cf. the insertion of a definition of 'fair and reasonable conditions' in Article 2.

Amendment 705
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. A participant shall enjoy access rights to the results of another participant in the same action, *if such access is needed by the former to carry out its work under the action.*

1. A participant shall enjoy access rights to the results of another participant in the same action.

Or. en

Amendment 706
Vicky Ford

Proposal for a regulation
Article 44 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. A participant shall enjoy access rights to the results of another participant in the same action, if such ***access is*** needed by the former to carry out its work under the action.

Amendment

1. A participant shall enjoy access rights to the results of another participant in the same action, if such ***results are*** needed by the former to carry out its work under the action.

Or. en

Amendment 707
Jean-Pierre Audy

Proposal for a regulation
Article 44 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. A participant shall enjoy access rights to the results of another participant in the same action, if such ***access is*** needed by the former to carry out its work under the action.

Amendment

1. A participant shall enjoy access rights to the results of another participant in the same action, if such ***results are*** needed by the former to carry out its work under the action.

Or. en

Justification

The right of ‘access’ is replaced by ‘results’ or ‘background’, because it is the results or the previous knowledge which must be needed in order to justify the right of access.

Amendment 708
Jean-Pierre Audy

Proposal for a regulation
Article 44 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. A participant shall enjoy access rights to

Amendment

2. A participant shall enjoy access rights to

background of another participant in the same action, if such **access** is needed by the former to carry out its work under the action and subject to any restrictions pursuant to Article 43(3).

background of another participant in the same action, if such **background** is needed by the former to carry out its **own** work under the action and subject to any restrictions pursuant to Article 43(3).

Or. en

Justification

The right of ‘access’ is replaced by ‘results’ or ‘background’, because it is the results or the previous knowledge which must be needed in order to justify the right of access.

Amendment 709

Vicky Ford

Proposal for a regulation

Article 44 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. A participant shall enjoy access rights to background of another participant in the same action, if such **access** is needed by the former to carry out its work under the action and subject to any restrictions pursuant to Article 43(3).

Amendment

2. A participant shall enjoy access rights to background of another participant in the same action, if such **background** is needed by the former to carry out its work under the action and subject to any restrictions pursuant to Article 43(3).

Or. en

Amendment 710

Vicky Ford

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. A participant shall enjoy access rights to the results of another participant in the same action, if such **access is** needed by the former to exploit its results.

Amendment

1. A participant shall enjoy access rights to the results of another participant in the same action, if such **results are** needed by the former to exploit its **own** results.

Justification

Changes made for clarification purposes.

Amendment 711
Jean-Pierre Audy

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. A participant shall enjoy access rights to the results of another participant in the same action, if such ***access is*** needed by the former to exploit its results.

Amendment

1. A participant shall enjoy access rights to the results of another participant in the same action, if such ***results are*** needed by the former to exploit its ***own*** results.

Or. en

Justification

Wording change suggested in order to be more research and innovation oriented and closer to the language of the researchers: the discussion in a collaborative project is about what participants want to achieve together, what patents/data/etc. they will need for this and how they will use the results. The discussion is not, as such, about granting or not granting access rights.

Amendment 712
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Subject to agreement, such access shall be granted under fair and reasonable conditions.

Amendment

Unless otherwise agreed, such access shall be granted under fair and reasonable conditions.

Or. en

Amendment 713
Jean-Pierre Audy

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Subject to agreement, such access shall be granted under fair and reasonable conditions.

Amendment

Unless otherwise agreed, such access shall be granted under fair and reasonable conditions.

Or. en

Justification

Wording change suggested in order to be more research and innovation oriented and closer to the language of the researchers: the discussion in a collaborative project is about what participants want to achieve together, what patents/data/etc. they will need for this and how they will use the results. The discussion is not, as such, about granting or not granting access rights.

Amendment 714
Seán Kelly

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Subject to agreement, such access shall be granted under fair and reasonable conditions.

Amendment

Subject to agreement, such access shall be granted under fair and reasonable conditions ***or under royalty-free conditions***

Or. en

Justification

It should be entirely open for the participants to decide upon the conditions regarding the access to the research results. They may be fair and reasonable or royalty-free.

Amendment 715
Vicky Ford

Proposal for a regulation
Article 45 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. A participant shall enjoy access rights to background of another participant in the same action, if such **access** is needed by the former to exploit its results and subject to any restrictions or limits pursuant to Article 43(3).

Amendment

2. A participant shall enjoy access rights to background of another participant in the same action, if such **background** is needed by the former to exploit its **own** results and subject to any restrictions or limits pursuant to Article 43(3).

Or. en

Amendment 716
Jean-Pierre Audy

Proposal for a regulation
Article 45 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. A participant shall enjoy access rights to background of another participant in the same action, if such **access** is needed by the former to exploit its results and subject to any restrictions or limits pursuant to Article 43(3).

Amendment

2. A participant shall enjoy access rights to background of another participant in the same action, if such **background** is needed by the former to exploit its **own** results and subject to any restrictions or limits pursuant to Article 43(3).

Or. en

Justification

Wording change suggested in order to be more research and innovation oriented and closer to the language of the researchers: the discussion in a collaborative project is about what participants want to achieve together, what patents/data/etc. they will need for this and how they will use the results. The discussion is not, as such, about granting or not granting access rights.

Amendment 717
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 45 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Subject to agreement, such access shall be granted under fair and reasonable conditions.

Amendment

Unless otherwise agreed, such access shall be granted under fair and reasonable conditions.

Or. en

Amendment 718
Jean-Pierre Audy

Proposal for a regulation
Article 45 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Subject to agreement, such access shall be granted under fair and reasonable conditions.

Amendment

Unless otherwise agreed, such access shall be granted under fair and reasonable conditions.

Or. en

Justification

Wording change suggested in order to be more research and innovation oriented and closer to the language of the researchers: the discussion in a collaborative project is about what participants want to achieve together, what patents/data/etc. they will need for this and how they will use the results. The discussion is not, as such, about granting or not granting access rights.

Amendment 719
Vicky Ford

Proposal for a regulation
Article 45 – paragraph 3

Text proposed by the Commission

Amendment

3. An affiliated entity ***established in a Member State or associated country*** shall, unless otherwise provided for in the consortium agreement, also have access rights to results or background under ***the same*** conditions if such ***access is*** needed to exploit the results generated by the participant to which it is affiliated.

3. An affiliated entity shall, unless otherwise provided for in the consortium agreement, also have access rights to results or background under ***fair and reasonable*** conditions if such ***results or background are*** needed to exploit the results generated by the participant to which it is affiliated. ***Such access shall be requested and obtained directly from the participant owning the results or background.***

Or. en

Justification

This restriction to "Member State or associated country" could hinder the exploitation of results and does not reflect the globalised nature of research activities. The latter suggestions are necessary for monitoring purposes, given the enlarged scope of access rights for Affiliated Entities in Horizon 2020 (no longer just in cases where the Affiliated Entity owns a result).

Amendment 720
Jean-Pierre Audy

Proposal for a regulation
Article 45 – paragraph 3

Text proposed by the Commission

Amendment

3. An affiliated entity established in a Member State or associated country shall, unless otherwise provided for in the consortium agreement, also have access rights to results ***or*** background under ***the same*** conditions if such ***access is*** needed to exploit the results generated by the participant to which it is affiliated.

3. ***Subject to Article 43(1)(a)***, an affiliated entity established in a Member State or associated country shall, unless otherwise provided for in the consortium agreement, also have access rights to results ***and*** background under ***fair and reasonable*** conditions if such ***results or background are*** needed to exploit the results generated by the participant to which it is affiliated.

Or. en

Justification

In the interests of greater clarity, 'same conditions' is replaced with 'fair and reasonable conditions'. It is also preferable to indicate that the access rights of affiliates must be requested and obtained from the participant who owns the background/results so that the latter can ensure their traceability ('subject to Article 43(1)(a)).

Amendment 721

Vicky Ford

Proposal for a regulation

Article 45 – paragraph 4

Text proposed by the Commission

4. A request for access under paragraphs 1, 2 and 3 may be made up to one year after the end of the action. However, the participants may agree on a different time-limit.

Amendment

4. A request for access ***rights*** under paragraphs 1, 2 and 3 may be made up to one year after the end of the action ***or after the termination of the requesting participant's participation in the action.*** However, the participants may agree on a different time-limit.

Or. en

Justification

This is to address the specific situation of participants leaving the action before its end.

Amendment 722

Jean-Pierre Audy

Proposal for a regulation

Article 45 – paragraph 4

Text proposed by the Commission

4. A request for access under paragraphs 1, 2 and 3 may be made up to one year after the end of the action. However, the participants may agree on a different time-limit.

Amendment

4. A request for access ***rights*** under paragraphs 1, 2 and 3 may be made up to one year after the end of the action ***or after the termination of the requesting participant's participation in the action.*** However, the participants may agree on a

different time-limit.

Or. en

Justification

Suggestion to address the specific situation of participants leaving the action before its end.

Amendment 723

Jean-Pierre Audy

Proposal for a regulation

Article 46

Text proposed by the Commission

Amendment

Article 46

deleted

Access rights for the Union and the Member States

1. The Union institutions and bodies shall, for the purpose of developing, implementing and monitoring Union policies or programmes, enjoy access rights to the results of a participant that has received Union funding. Such access rights are limited to non-commercial and non-competitive use.

Such access shall be granted on a royalty-free basis.

2. Regarding actions in the activity 'Secure societies' within the specific objective 'Inclusive, innovative and secure societies', the Union institutions and bodies as well as Member States' national authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains

with very limited market size and a risk of market failure, and where a predominant public interest exists.

Such access shall be granted on a royalty-free basis, except for use in public procurement where it shall be granted on fair and reasonable conditions to be agreed upon. The Union funding received in generating the results shall be fully taken into account in the determination of the fair and reasonable conditions. The Commission rules on security shall apply regarding classified information.

Or. en

Amendment 724
Vicky Ford, Christian Ehler

Proposal for a regulation
Article 46 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The Union institutions and bodies shall, for the purpose of developing, implementing and monitoring Union policies or programmes, enjoy access rights to the results of a participant that has received Union funding. Such access rights are limited to non-commercial and non-competitive use.

Amendment

1. The Union institutions and bodies shall, for the purpose of developing, implementing and monitoring Union policies or programmes, enjoy access rights to the results of a participant that has received Union funding. Such access rights are limited to non-commercial and non-competitive use ***and do not include the right to sub-license. The Union shall provide sufficient evidence to the owning participant that the access rights will contribute to developing, implementing and monitoring Union policies or programmes.***

Or. en

Justification

Changes suggested by DESCA coordinators.

Amendment 725

Pilar del Castillo Vera, Alejo Vidal-Quadras, Maria Da Graça Carvalho

Proposal for a regulation

Article 46 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The Union institutions and bodies shall, for the purpose of developing, implementing and monitoring Union policies or programmes, enjoy access rights to the results of a participant that has received Union funding. Such access rights are limited to non-commercial and non-competitive use.

Amendment

1. The Union institutions and bodies shall, for the purpose of developing, implementing and monitoring Union policies or programmes, enjoy access rights to the results of a participant that has received Union funding. ***Access right to results shall not be extended to the participants' background even in case that the background is needed for use of result.*** Such access rights are limited to non-commercial and non-competitive use.

Or. en

Amendment 726

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The Union institutions and bodies shall, for the purpose of developing, implementing and monitoring Union policies or programmes, enjoy access rights to the results of a participant that has received Union funding. ***Such access rights are limited to non-commercial and non-competitive use.***

Amendment

1. The Union institutions and bodies shall, for the purpose of developing, implementing and monitoring Union policies or programmes, enjoy access rights to the results of a participant that has received Union funding.

Or. en

Amendment 727
Vicky Ford

Proposal for a regulation
Article 46 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Such access shall be granted on *a royalty-free basis*.

Such access shall be granted on *terms to be agreed*.

Or. en

Justification

Changes suggested by DESCA coordinators.

Amendment 728
Vicky Ford

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. Regarding actions in the activity 'Secure societies' within the specific objective 'Inclusive, innovative and secure societies', the Union institutions and bodies as well as Member States' national authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains with very limited market size and a risk of market failure, and where a predominant public interest exists.

deleted

Such access shall be granted on a royalty-free basis, except for use in public

procurement where it shall be granted on fair and reasonable conditions to be agreed upon. The Union funding received in generating the results shall be fully taken into account in the determination of the fair and reasonable conditions. The Commission rules on security shall apply regarding classified information.

Or. en

Justification

Deletion suggested by DESCA coordinators, because the potential burden of the access rights that the results would carry with them could discourage or hinder future exploitation activities, also because there is no time limit and participants would need to keep track for years of the possible restrictions.

Amendment 729

Ioannis A. Tsoukalas

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Regarding actions in the activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’, the Union institutions and bodies as well as Member States' national authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains with very limited market size and a risk of market failure, and where a predominant public interest exists.

Amendment

2. Regarding actions in the activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’ **and the activity "Health, demographic change and wellbeing" within the pillar "Societal Challenges"**, the Union institutions and bodies as well as Member States' national authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains with very limited market size and a risk of market failure, and where a predominant

public interest exists.

Or. en

Justification

For reasons of overriding public interest the EU should have access to results of research it has funded in activities connected to societal challenges.

Amendment 730

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Regarding actions in the **activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’**, the Union institutions and bodies as well as Member States' national authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains with **very limited market size and** a risk of market failure, **and** where a predominant public interest exists.

Amendment

2. Regarding actions in the specific **objectives under the pillar "Societal Challenges"**, the Union institutions and bodies as well as Member States' national authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains with a risk of market failure, **or** where a predominant public interest exists.

Or. en

Amendment 731

Salvador Sedó i Alabart, Ramon Tremosa i Balcells

Proposal for a regulation
Article 46 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Regarding actions in the activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’, the Union institutions and bodies as well as Member States' national authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains with very limited market size and a risk of market failure, and where a predominant public interest exists.

Amendment

2. Regarding actions in the activity ‘Secure societies’ within the specific objective ‘Inclusive, innovative and secure societies’, the Union institutions and bodies as well as Member States' national **and regional** authorities shall, for the purpose of developing, implementing and monitoring their policies or programmes in this area, enjoy access rights to the results of a participant that has received Union funding. Notwithstanding Article 43(2), such access rights shall include the right to authorise third parties to use the results in public procurement in the case of the development of capabilities in domains with very limited market size and a risk of market failure, and where a predominant public interest exists.

Or. en

Amendment 732
Christian Ehler

Proposal for a regulation
Title 3 – chapter 1 – section 3

Text proposed by the Commission

Amendment

SPECIFIC CASES

deleted

Specific provisions

1. In the case of actions involving security-related activities, the grant agreement may lay down specific provisions, in particular on changes to the consortium's composition, classified information, exploitation, dissemination, transfers and licences of results.

2. In the case of actions to support existing or new research infrastructures,

the grant agreement may lay down specific provisions relating to users of the infrastructure.

3. In the case of ERC frontier research actions, the grant agreement may lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

4. In the case of training and mobility actions, the grant agreement may lay down specific provisions on commitments relating to the researchers benefiting from the action, ownership, access rights and portability.

5. In the case of coordination and support actions, the grant agreement may lay down specific provisions, in particular on ownership, access rights, exploitation and dissemination.

6. In the case of the SME instrument and grants by funding bodies targeting SMEs, the grant agreement may lay down specific provisions, in particular on ownership, access rights, exploitation and dissemination.

7. In the case of the Knowledge and Innovation Communities of the EIT, the grant agreement may lay down specific provisions, in particular on ownership, access rights, exploitation and dissemination.

Or. en

Amendment 733
Christian Ehler

Proposal for a regulation
Article 47

Article 47

deleted

Specific provisions

1. In the case of actions involving security-related activities, the grant agreement may lay down specific provisions, in particular on changes to the consortium's composition, classified information, exploitation, dissemination, transfers and licences of results.

2. In the case of actions to support existing or new research infrastructures, the grant agreement may lay down specific provisions relating to users of the infrastructure.

3. In the case of ERC frontier research actions, the grant agreement may lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

4. In the case of training and mobility actions, the grant agreement may lay down specific provisions on commitments relating to the researchers benefiting from the action, ownership, access rights and portability.

5. In the case of coordination and support actions, the grant agreement may lay down specific provisions, in particular on ownership, access rights, exploitation and dissemination.

6. In the case of the SME instrument and grants by funding bodies targeting SMEs, the grant agreement may lay down specific provisions, in particular on ownership, access rights, exploitation and dissemination.

7. In the case of the Knowledge and Innovation Communities of the EIT, the grant agreement may lay down specific

provisions, in particular on ownership, access rights, exploitation and dissemination.

Or. en

Amendment 734
Jean-Pierre Audy

Proposal for a regulation
Article 47 – title

Text proposed by the Commission

Amendment

Specific provisions

Specific provisions *for particular types of actions*

Or. en

Amendment 735
Francisco Sosa Wagner

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

Amendment

1. In the case of actions involving security-related activities, the grant agreement may lay down specific provisions, in particular on changes to the consortium's composition, classified information, exploitation, dissemination, transfers and licences of results.

1. In the case of actions involving security-related activities *and activities which are justified on public health grounds*, the grant agreement may lay down specific provisions, in particular on changes to the consortium's composition, classified information, exploitation, dissemination, transfers and licences of results.

Or. es

Justification

Considerations of public health shall be included as grounds for setting out specific provisions in the grant agreement concerning dissemination, classified information, etc.

Amendment 736
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

1. In the case of actions involving **security-related** activities, the grant agreement may lay down specific provisions, in particular on changes to the consortium's composition, classified information, exploitation, dissemination, transfers and licences of results.

Amendment

1. In the case of actions involving **"Societal Challenges" related** activities, the grant agreement may lay down specific provisions, in particular on changes to the consortium's composition, classified information, exploitation, dissemination, transfers and licences of results.

Or. en

Amendment 737
Herbert Reul, Norbert Glante

Proposal for a regulation
Article 47 – paragraph 2

Text proposed by the Commission

2. In the case of actions to support existing or new research infrastructures, the grant agreement may lay down specific provisions relating to **users** of the infrastructure.

Amendment

2. In the case of actions to support existing or new research infrastructures **or institutes**, the grant agreement may lay down specific provisions relating to **the use** of the infrastructure **or institute**.

Or. de

Justification

This special provision must also apply to institutes that are newly established as part of a Horizon 2020 competition.

Amendment 738
Vicky Ford, Ioannis A. Tsoukalas

Proposal for a regulation
Article 47 – paragraph 2

Text proposed by the Commission

2. In the case of actions to support existing or new research infrastructures, the grant agreement may lay down specific provisions relating to users of the infrastructure.

Amendment

2. In the case of actions to support **the operation of** existing or new research infrastructures, the grant agreement may lay down specific provisions relating to users' **access** of the infrastructure.

Or. en

Justification

To cover partly operational costs of the European research infrastructures by user fees, funding for enabling researchers to access the infrastructure should be provided in the different pillars of H2020.

Amendment 739
Francisco Sosa Wagner

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

3. In the case of ERC frontier research actions, the grant agreement may lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

Amendment

3. In the case of ERC frontier research actions **or actions relating to a societal challenge as part of the ‘health, demographic change and well-being’ section of the Societal challenges strand**, the grant agreement may lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

Or. es

Justification

Actions concerning health, demographic change and well-being shall be included; grant agreements for such actions may include specific provisions concerning dissemination,

classified information, etc.

Amendment 740

Philippe Lamberts, Amelia Andersdotter

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 47 – paragraph 3

Text proposed by the Commission

3. In the case of ERC frontier research actions, the grant agreement *may* lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

Amendment

3. In the case of ERC frontier research actions, ***or research actions that address a societal challenge*** the grant agreement ***shall*** lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

Or. en

Amendment 741

Ioannis A. Tsoukalas

Proposal for a regulation

Article 47 – paragraph 3

Text proposed by the Commission

3. In the case of ERC frontier research actions, the grant agreement may lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

Amendment

3. In the case of ERC frontier research actions ***or research actions within the pillar "Societal Challenges"***, the grant agreement may lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

Or. en

Amendment 742

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 47 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In case of innovation that is highly relevant to developing countries' needs, including in the field of global health, the Commission shall include in the grant agreement licensing conditions to improve access and affordability of biomedical products in developing countries by means of 'humanitarian use licensing conditions'.

Or. en

Amendment 743

Marisa Matias

Proposal for a regulation

Article 47 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. In case of research where a predominant public interest exists (e.g. research that has the potential for further development into a lifesaving drug, vaccine or medical diagnostic) Global Access Licensing (as defined in Article 40 (1)) shall guarantee the availability of affordable treatment to all Union citizens as well as to patients in low and middle-income countries.

Or. en

Amendment 744

Norbert Glante, Judith A. Merkies

Proposal for a regulation
Article 47 a (new)

Text proposed by the Commission

Amendment

Article 47a

Public-private partnerships

1. In accordance with Article 19 of Regulation (EU) No XX/XX [Horizon 2020] Horizon 2020 may be implemented through public-private partnerships, provided all partners concerned commit to support the development and implementation of Horizon 2020.

2. Public-private partnerships shall be identified and implemented in an open and transparent way, based on the evaluation of independent experts in accordance with Article 37 of this Regulation.

This evaluation shall be based on the following criteria:

(a) the added value of action at Union level and the added value of the instrument of a public-private partnership;

(b) the scale of impact on competitiveness, sustainable growth and socio-economic issues through the definition of clear and measurable societal and competitiveness objectives, including job creation and educational/training targets, and accountability on reaching these objectives.

3. The Commission may entrust budget implementation tasks to a public-private partnership, provided the following criteria are fulfilled and laid down in a contractual agreement:

(a) the long-term commitment of all partners, including their balanced contribution, based on a shared vision and clearly defined objectives;

(b) the scale of the resources required and the ability to leverage additional investments in research and innovation;

(c) a clear definition of roles for the partners and agreed key performance indicators over the period chosen.

(d) complementarity with other parts of Horizon 2020 and alignment with the Union research and innovation strategic agenda;

(e) the involvement in the partnership of all interested partners along the entire value chain, including the end-users, SMEs and public research institutes.

4. The rules on participation and dissemination and the procedures for evaluating and selecting proposals involving public-private partnerships created or funded under Horizon 2020 shall fully comply with the Regulation (EU) No XX/XX [the Financial Regulation].

5. Involvement of the Union in those partnerships may take one of the following forms:

(a) financial contributions from the Union to jointly implemented projects on the basis of Article 187 TFEU under the Seventh Framework Programme, subject to the amendment of their basic acts taking full consideration of the results of the cost-benefit analysis to be conducted under the foreseen impact assessment of this instrument, as well as to fulfil the criteria set out in paragraph 2 of this article; to new public-private partnerships set up on the basis of Article 187 TFEU; and to other funding bodies referred to in Article [55(1)(b)(v) or (vii)] of Regulation (EU) No XX/XX [the Financial Regulation]. This form of partnership shall be implemented only where the scope of the objectives pursued and the scale of the resources required justify it, and where other forms of partnership will

not fulfil the objectives or will not generate the necessary leverage;
(b) entering a contractual agreement between the partners referred to in paragraph 1, which specifies the objectives of the partnership, respective commitments of the partners, key performance indicators, and outputs to be delivered including the identification of research and innovation activities that require support from Horizon 2020.

Or. de

Justification

Public-private partnerships (PPPs) should be set up only when the PPP as an instrument has added value (e.g. in terms of industrial participation, leverage of private funds or enhancement of the competitiveness of an entire value chain) by comparison with other possible instruments. The specific nature of this type of research funding is thus taken into account without leaving room for any deviation from the rules on participation. This corresponds to the central demand for simplification.

Amendment 745

Bernd Lange

Proposal for a regulation

Article 47 a (new)

Text proposed by the Commission

Amendment

Article 47 a

In the case of actions in an area of relevance to public health, the grant agreement shall lay down provisions on the accessibility of research results for everyone through socially responsible technology transfer strategies.

Or. de

Justification

The results of public research should be accessible for everyone. The social benefits should

therefore be taken into account in the context of European research alongside scientific excellence. This includes global access to vital medicines.

Amendment 746

Christian Ehler

Proposal for a regulation

Article 48

Text proposed by the Commission

Amendment

Article 48

deleted

Prizes

Any prize awarded shall be conditional on the acceptance of the appropriate publicity obligations. The work programme or work plan may contain specific obligations regarding exploitation and dissemination.

Or. en

Amendment 747

Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Specific provisions regarding ownership, access rights, exploitation and dissemination including licensing provisions, shall be laid down in the conditions governing a prize award, to ensure maximum uptake of the results and affordable and widespread access to the results.

Or. en

Amendment 748
Ioannis A. Tsoukalas

Proposal for a regulation
Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Specific provisions, in particular on ownership, access rights, exploitation and dissemination shall be laid down in the conditions governing a prize award to ensure maximum uptake of the results and affordable and widespread access to the results.

Or. en

Amendment 749
Philippe Lamberts, Amelia Andersdotter
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 48 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The contracting authority shall own the results and data generated, and grant non-exclusive licences to third parties to exploit the results under fair and reasonable conditions.

Or. en

Amendment 750
Jean-Pierre Audy

Proposal for a regulation
Article 49 – title

Text proposed by the Commission

Amendment

Procurement, pre-commercial

Pre-commercial procurement and public

procurement and public procurement of
innovative solutions

procurement of innovative solutions

Or. en

Justification

Article 35 lays down that EU funding may only take the form of pre-commercial procurement (PCP) or procurement of innovative solutions (PIS), and it is not necessary to provide for an intellectual property regime for public procurement other than PCP or PIS.

Amendment 751

Vicky Ford

Proposal for a regulation

Article 49

Text proposed by the Commission

Amendment

Article 49

deleted

***Procurement, pre-commercial
procurement and public procurement of
innovative solutions***

***1. Unless otherwise stipulated in the call
for tenders, results generated by
procurement carried out by the
Commission shall be owned by the Union.***

***2. Specific provisions regarding
ownership, access rights and licensing
shall be laid down in the contracts
regarding pre-commercial procurement to
ensure maximum uptake of the results
and to avoid any unfair advantage. The
contractor generating results in pre-
commercial procurement shall own at
least the attached intellectual property
rights. The contracting authorities shall
enjoy at least royalty-free access rights to
the results for their own use as well as the
right to grant, or require the participating
contractors to grant, non-exclusive
licences to third parties to exploit the
results under fair and reasonable
conditions without any right to sub-***

licence. If a contractor fails to commercially exploit the results within a given period after the pre-commercial procurement as identified in the contract, it shall transfer any ownership of the results to the contracting authorities.

3. Specific provisions regarding ownership, access rights and licensing may be laid down in the contracts regarding public procurement of innovative solutions to ensure maximum uptake of the results and to avoid any unfair advantage.

Or. en

Amendment 752
Christian Ehler

Proposal for a regulation
Article 49

Text proposed by the Commission

Amendment

Article 49

deleted

Procurement, pre-commercial procurement and public procurement of innovative solutions

1. Unless otherwise stipulated in the call for tenders, results generated by procurement carried out by the Commission shall be owned by the Union.

2. Specific provisions regarding ownership, access rights and licensing shall be laid down in the contracts regarding pre-commercial procurement to ensure maximum uptake of the results and to avoid any unfair advantage. The contractor generating results in pre-commercial procurement shall own at least the attached intellectual property rights. The contracting authorities shall enjoy at least royalty-free access rights to the results for their own use as well as the

right to grant, or require the participating contractors to grant, non-exclusive licences to third parties to exploit the results under fair and reasonable conditions without any right to sub-licence. If a contractor fails to commercially exploit the results within a given period after the pre-commercial procurement as identified in the contract, it shall transfer any ownership of the results to the contracting authorities.

3. Specific provisions regarding ownership, access rights and licensing may be laid down in the contracts regarding public procurement of innovative solutions to ensure maximum uptake of the results and to avoid any unfair advantage.

Or. en

Amendment 753
Jean-Pierre Audy

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Amendment

1. Unless otherwise stipulated in the call for tenders, results generated by procurement carried out by the Commission shall be owned by the Union. *deleted*

Or. en

Justification

As Article 35 lays down that EU funding may only take the form of pre-commercial procurement (PCP) or procurement of innovative solutions (PIS), it is not necessary to provide for an intellectual property regime for public procurement other than PCP or PIS.

Amendment 754
Jean-Pierre Audy

Proposal for a regulation
Article 49 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The inventor shall remain the owner of the results and user rights shall be granted to the contracting authorities for the own use as well as the right to exploit.

Or. en

Justification

Ownership of IP by the generator is common practice under public procurement and must remain the rules whatever the level of funding of the instrument (grant, procurement, PCP or procurement of innovative solution). Ownership by the EU must be kept exceptional and in case of failure by the generator to exploit the results.

Amendment 755
Jean-Pierre Audy

Proposal for a regulation
Article 49 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. However the exploitation of the results by a third party as foreseen in the rules for participation and dissemination shall be limited to the satisfaction of the need of the Union or of the adjudicating Member State(s) with the exclusion of any commercial exploitation by third parties. The owner may refuse the concession of such rights to third parties in case of harm to its legitimate interest.

Or. en

Justification

Limitation of the exploitation of results that should take into account the need of the Union while assuring protection of the legitimate interests of the owner.

Amendment 756

Christian Ehler

Proposal for a regulation

Title III a (new)

Text proposed by the Commission

Amendment

Title IIIa

Specific provisions

Or. en

Amendment 757

Vicky Ford, Christian Ehler

Proposal for a regulation

Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49a

***Procurement, pre-commercial
procurement and procurement of
innovative solutions***

***Procurement, pre-commercial
procurement and procurement of
innovative solutions***

***1. Any procurement carried out by the
Commission jointly with Member States
shall be subject to the rules on public
procurement set out in Regulation (EU)
No XX/XX [the Financial Regulation]
and Regulation (EU) No XX/XX [the
Delegated Regulation].***

***2. Union funding may take the form of
pre-commercial procurement or***

procurement of innovative solutions carried out by the Commission jointly with contracting authorities from Member States and associated countries.

The procurement procedures:

(a) shall comply with the principles of transparency, non-discrimination, equal treatment, sound financial management, proportionality, and with competition rules and, where applicable, with Directives 2004/17/EC, 2004/18/EC and 2009/81/EC.

(b) may provide for specific conditions such as the place of performance of the procured activities being limited for pre-commercial procurement to the territory of the Member States and of countries associated to Horizon 2020 where duly justified by the objectives of the actions;

(c) may authorise the award of multiple contracts within the same procedure (multiple sourcing);

(d) shall provide for the award of the contracts to the tender(s) which are the most economically advantageous. The most economically advantageous tender from the point of view of the contracting authority shall be identified on the basis of criteria linked to the subject-matter of the public contract in question. Those criteria shall include, in addition to the price or costs, other criteria linked to the subject-matter of the public contract in question, such as: quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, environmental characteristics and innovative character, including inter alia additional innovative solutions that are in addition to minimum requirements laid down in the contract notice, the descriptive document or the invitation to confirm interest;

3. Specific provisions regarding ownership, access rights and licensing

shall be laid down in the contracts regarding pre-commercial procurement to ensure maximum uptake of the results and to avoid any unfair advantage. The contractor generating results in pre-commercial procurement shall own at least the attached intellectual property rights. The contracting authorities shall enjoy at least royalty-free access rights to the results for their own use as well as the right to grant, or require the participating contractors to grant, non-exclusive licences to third parties to exploit the results under fair and reasonable conditions without any right to sub-license. If a contractor fails to commercially exploit the results within a given period after the pre-commercial procurement as identified in the contract, it shall transfer any ownership of the results to the contracting authorities.

4. Specific provisions regarding ownership, access rights and licensing may be laid down in the contracts regarding public procurement of innovative solutions to ensure maximum uptake of the results and to avoid any unfair advantage.

Or. en

Amendment 758
Christian Ehler

Proposal for a regulation
Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49a

Prizes

1. Union funding may take the form of prizes as defined in [Title VII] of Regulation (EU) No XX/XX [the Financial Regulation]. The use of prizes

shall be encouraged but not as a substitute for properly structured funding.

2. The rules of the contest shall be stipulated in the work programme.

3. The rules of the contest shall at least lay down the conditions for participation, the award criteria, including the deadline for proposals and the deadline for award, the amount of the prize and the payment arrangements.

Prizes may not be awarded directly without a contest and shall be published annually.

4. Entries in a contest shall be evaluated by a panel of experts on the basis of the published rules of the contest.

Prizes shall then be awarded by the authorising officer responsible on the basis of the evaluation provided by the panel of experts who are free to decide whether or not to recommend the award of prizes, depending on their appraisal of the quality of the entries.

5. The amount of the prize shall not be linked to the costs incurred by the recipient.

6. Where implementation of an action or work programme requires prizes to be given to third parties by a beneficiary of a Union grant, this beneficiary may give such prizes provided that the minimum content of the rules of the contest is strictly defined in the grant decision or agreement between the beneficiary and the Commission, with no margin for discretion.

7. Regarding the dissemination of results, Title III of this Regulation shall apply. Any additional obligations for dissemination or exploitation of results shall be stipulated in the rules of the contest.

8. Where a prize is not awarded within the deadline set out in the rules of the contest,

the funds allocated to the contest shall be reassigned within the same objective under Regulation (EU) No XX/XX [Horizon 2020].

Or. en

Justification

Moved here from Art. 34 and 48. Paragraph 3-6 contain the current wording of the Draft Financial Regulation, still subject to trilogue, and may fall when the draft is adopted. Paragraph 7 adds crucial provisions for IPR and dissemination of results. Paragraph 8 ensures that funds allocated under HORIZON 2020 remain within the RDI budget, particularly in case the new instrument of inducement prizes does not entail the desired effects.

Amendment 759

Christian Ehler

Proposal for a regulation

Article 49 b (new)

Text proposed by the Commission

Amendment

Article 49b

Procurement, pre-commercial procurement and procurement of innovative solutions

1. Any procurement carried out by the Commission jointly with Member States shall be subject to the rules on public procurement set out in Regulation (EU) No XX/XX [the Financial Regulation] and Regulation (EU) No XX/XX [the Delegated Regulation].

2. Union funding may take the form of pre-commercial procurement or procurement of innovative solutions carried out by the Commission jointly with contracting authorities from Member States and associated countries or by Union agencies jointly with contracting authorities from Member States and associated countries.

The procurement procedures:

(a) shall comply with the principles of transparency, non-discrimination, equal treatment, sound financial management, proportionality, and with competition rules and, where applicable, with Directives 2004/17/EC, 2004/18/EC and 2009/81/EC.

(b) may provide for specific conditions such as the place of performance of the procured activities being limited for pre-commercial procurement to the territory of the Member States and of countries associated to Horizon 2020 where duly justified by the objectives of the actions;

(c) may authorise the award of multiple contracts within the same procedure (multiple sourcing);

(d) shall provide for the award of the contracts to the tender(s) offering best value for money.

3. Specific provisions regarding ownership, access rights and licensing shall be laid down in the contracts regarding pre-commercial procurement to ensure maximum uptake of the results and to avoid any unfair advantage. The contractor generating results in pre-commercial procurement shall own at least the attached intellectual property rights. The contracting authorities shall enjoy at least royalty-free access rights to the results for their own use as well as the right to grant, or require the participating contractors to grant, non-exclusive licences to third parties to exploit the results under fair and reasonable conditions without any right to sub-license. If a contractor fails to commercially exploit the results within a given period after the pre-commercial procurement as identified in the contract, it shall transfer any ownership of the results to the contracting authorities.

4. Specific provisions regarding

ownership, access rights and licensing may be laid down in the contracts regarding public procurement of innovative solutions to ensure maximum uptake of the results and to avoid any unfair advantage.

Or. en

Amendment 760
Christian Ehler

Proposal for a regulation
Article 49 c (new)

Text proposed by the Commission

Amendment

Article 49c

Financial Instruments

1. Financial instruments may take any of the forms referred to in, and shall be implemented in accordance with, [Title VIII] of Regulation (EU) No XX/XX [the Financial Regulation] and may be combined with each other and with other grants funded under the Union budget, including under Horizon 2020.

2. In accordance with Article [54] of Regulation (EU) No XX/XX [the Financial Regulation], the Commission may delegate implementation tasks and management of the financial instruments to the EIB, EIF and other financial institutions.

3. In accordance with Article [18(2)] of Regulation (EU) No XX/XX [the Financial Regulation], revenues and repayments generated by a financial instrument set up under Regulation (EU) No XX/XX [Horizon 2020] shall be assigned to that financial instrument.

4. Revenues and repayments generated by the Risk-Sharing Finance facility set up under Decision No 1982/2006/EC and the

early stage part of the High-Growth and Innovative SME Facility (GIF1) set up under the Decision No 1639/2006/EC of the European Parliament and of the Council, shall be assigned to the succeeding financial instruments under Regulation (EU) No XX/XX [Horizon 2020].

5. The Commission shall ensure that all types of financial intermediaries, including national and regional public banks as well as regional investment banks, are adequately involved in the implementation of the financial instruments.

Or. en

Amendment 761
Christian Ehler

Proposal for a regulation
Article 49 d (new)

Text proposed by the Commission

Amendment

Article 49d

Public-private Partnerships

1. In accordance with Article 19 of Regulation (EU) No XX/XX [Horizon 2020] Horizon 2020 may be implemented through public-private partnerships, provided all partners concerned commit to support the development and implementation of Horizon 2020.

2. Public-private partnerships shall be identified in an open and transparent way, based on the evaluation of independent experts in accordance with Article 37 of this Regulation. This evaluation shall be based on all of the following criteria:

(a) the added value of action at Union level and the added value of the instrument of a public-private

partnership;

(b) the scale of impact on industrial competitiveness, sustainable growth and socio-economic issues.

3. The Commission may entrust budget implementation tasks to a public-private partnerships, provided the following criteria are fulfilled and laid down in a contractual agreement:

(a) the long-term commitment from all partners based on a shared vision and clearly defined objectives;

(b) the scale of the resources involved and the ability to leverage additional investments in research and innovation;

(c) a clear definition of roles for each of the partners and agreed key performance indicators over the period chosen.

4. The rules for participation and dissemination of public-private partnerships created and funded under Horizon 2020 shall fully comply with the Regulation (EU) No XX/XX [the Financial Regulation], as well as the rules laid down in this Regulation, except where their specific needs so require.

The rules of public-private partnerships may deviate from the Union Staff Regulations insofar as the acts establishing these bodies according to Article 1a(2) of the Staff Regulations do not provide for an application of the Staff Regulations.

5. Deviations from the rules referred to in paragraph 2 and the specific reasons for such deviations shall be communicated to the European Parliament and the Council in a working document annually. The working document shall also set out the progress towards the completion of the purpose for which the individual entities were set up, and the relevance of the aforementioned deviations for the progress achieved.

6. Involvement of the Union in those partnerships may take one of the following forms:

(a) financial contributions from the Union to joint undertakings established on the basis of Article 187 TFEU under the Seventh Framework Programme, subject to the amendment of their basic acts; to new public-private partnerships set up on the basis of Article 187 TFEU; and to other funding bodies referred to in Article [55(1)(b)(v) or (vii)] of Regulation (EU) No XX/XX [the Financial Regulation]. This form of partnerships shall only be implemented where the scope of the objectives pursued and the scale of the resources required justify it;

(b) entering a contractual agreement between the partners referred to in paragraph 1, which specifies the objectives of the partnership, respective commitments of the partners, key performance indicators, and outputs to be delivered including the identification of research and innovation activities that require support from Horizon 2020.

Or. en

Amendment 762
Christian Ehler

Proposal for a regulation
Article 49 e (new)

Text proposed by the Commission

Amendment

Article 49e

Public-public Partnerships

1. The rules laid down in this Regulation shall also apply to public-public partnerships as referred to in article [20] of Regulation (EU) No XX/XX [Horizon 2020].

2. Public-public partnerships funded through the ERA-NET instrument may be eligible for co-funding under Horizon 2020, provided the following conditions are fulfilled:

(a) a significant level of prior financial commitments of the participating entities to the joint calls and actions

(b) harmonised rules and implementation modalities of the joint calls and actions

Public-public partnerships may be supported either within, or across, the priorities set out in Article 5(2), in particular through:

3. Joint Programming Initiatives in accordance with Article 185 TFEU may be eligible for co-funding under Horizon 2020, provided the following conditions are fulfilled:

(a) an existing need for a dedicated implementation structure based on Article 185 TFEU;

(b) a high level of commitment of the participating countries to integration at scientific, management and financial levels;

(c) the added value of action at Union level;

(d) the critical mass, with regard to the size and the number of programmes involved, the similarity of activities and the share of relevant research they cover;

4. The Commission may entrust budget implementation tasks to a Joint Programming Initiative, provided the following criteria are fulfilled and laid down in an agreement:

(a) a clear definition of the objective to be pursued and its relevance to the objectives of Horizon 2020 and broader Union policy objectives;

(b) clear financial commitments of the participating countries, including prior

commitments to pool national and/or regional investments for transnational research and innovation;

Or. en

Amendment 763

Christian Ehler, Paul Rübig, Maria Da Graça Carvalho, Kent Johansson

Proposal for a regulation

Article 49 f (new)

Text proposed by the Commission

Amendment

Article 49f

SME Instrument

1. Only SMEs may apply for calls for proposals issued under the dedicated SME instrument referred to in Article [18] of Regulation (EU) No XX/XX [Horizon 2020]. They shall be encouraged to participate jointly with other companies, research organisations and universities.

Once a company has been validated as an SME this legal status shall be assumed to prevail for the entire duration of the project, even in cases where the company, due to its growth, later on exceeds the ceilings foreseen within the SME definition.

2. Calls for proposals under the SME instruments shall be open calls, taking a bottom-up approach towards the topic to the greatest possible extent. A simplified two-stage evaluation procedure may apply, if stated so in the work programme, provided that no prolongation of the overall evaluation period is entailed.

3. In accordance with Article 17a, the 'time-to-contract' under the SME instrument may not exceed six months.

3. In accordance with this Regulation, the grant agreement concluded under the

SME instrument may lay down specific provisions, in particular on subcontracting, ownership, access rights, exploitation and dissemination of results.

4. Where revision of the grant agreement concluded under the SME instrument is necessary during the implementation of an action, in particular with regards to changes in the composition of the consortium, a simplified revision procedure shall apply.

5. The Commission shall ensure sufficient complementarities between the SME instrument under Horizon 2020 and the Financial Instruments under Horizon 2020 and COSME as well as schemes and instruments set up jointly with Member States, such as the Eurostars Joint Programme.

Or. en

Amendment 764

Christian Ehler, Paul Rübig, Maria Da Graça Carvalho

Proposal for a regulation

Article 49 g (new)

Text proposed by the Commission

Amendment

Article 49g

Fast Track to Innovation

1. Any legal entity that is allowed to participate in activities covered by part II ('Industrial Leadership') and part III ('Societal Challenges') of the Specific Programme (Regulation (EU) xy/2012) shall be allowed to submit proposals to be considered under the Fast Track 2 Innovation Instrument.

Within part II ('Industrial Leadership'), proposals may be submitted under every technology field identified under the specific objective 'Leadership in enabling

and industrial technologies' in the [Specific Programme], without restriction to the topic of research.

Within part III ('Societal Challenges'), proposals may be submitted under every societal challenge, without restriction to the technology field.

2. Proposals may be submitted at any time. The Commission shall initiate an evaluation period twice a year, at a fixed period of time. Time between the start of an evaluation period and the award of a grant shall not exceed six months.

3. Firstly, proposals shall be ranked according to the award criteria "impact" and "quality and efficiency of the implementation". Secondly, "excellence" as the crucial award criterion shall determine the final ranking leading to the grant decision.

4. Being implemented as a fast track, no more than five legal entities shall participate in an action.

3. The Horizon 2020 grant shall be determined in accordance with Article 22 (3a (new)).

Or. en

Justification

Taking due account of the programme's intended shift towards innovation, Horizon 2020 needs to provide at least one instrument that systematically allows innovative ideas to be evaluated and funded at any time, applying a fast, standardized and reliable procedure. An 'open call' or 'bottom up' instrument with a guaranteed six months of time-to-grant', will ensure that innovative ideas do not risk to be outdated once the project can finally start. This will also increase industry participation.

Amendment 765
Christian Ehler

Proposal for a regulation
Article 49 h (new)

Article 49h

Other specific provisions

1. In the case of actions involving security-related activities, the grant agreement may lay down specific provisions, in particular on pre-commercial public procurement, procurement of innovative solutions, changes to the consortium's composition, classified information, open access to research publications, exploitation, dissemination, transfers and licences of results.

2. For security-related research and technological development activities, funding may reach a maximum of 100% of total eligible costs plus an additional flat rate of 20% to cover the indirect costs of the action, or 70% of total eligible costs when actual indirect costs are declared, in specific cases that concern the development of capabilities in domains with very limited market size and a risk of 'market failure' or accelerated equipment development in response to new threats, when provided for in the work programme.

3. In the case of actions to support existing or new research infrastructures, the grant agreement may lay down specific provisions relating to the use of the infrastructure.

4. In the case of ERC frontier research actions, the grant agreement may lay down specific provisions, in particular on access rights, portability and dissemination, relating to participants, researchers and any party concerned by the action.

5. In the case of training and mobility actions, the grant agreement may lay down specific provisions on commitments

relating to the researchers benefiting from the action, ownership, access rights and portability.

6. In the case of coordination and support actions, the grant agreement may lay down specific provisions, in particular on ownership, access rights, exploitation and dissemination of results.

Or. en

Amendment 766
Vicky Ford, Christian Ehler

Proposal for a regulation
Annex 0 (new)

Text proposed by the Commission

Amendment

ANNEX 0

Commission Code of Best Practice

The Commission, including agencies and bodies acting on behalf of the Commission, shall respect the following principles in relation to all Horizon 2020 projects:

Time to Bid

Shortening time periods for deciding on successful bids is a priority. However, depending on the nature of any specific call, due consideration should also be given to the following:

Clear and transparent mechanisms to develop calls on specific topics will enable a level playing field and the inclusion and growth of participation. This should, where possible, be consistent across programmes and themes.

Reasonable advance notice of upcoming calls can allow potential participants to form bidding consortia in advance of publication of calls and thus result in

higher quality bids.

Maintaining a reasonable time period between the publication of a call and the deadline for submitting bids can result in higher quality bids and a more level playing field between participants with different degrees of administrative capacity, experience of participation in Union funded programmes, different languages and varying levels of English language skills.

Call deadlines should be scheduled taking into account the full scope of EU calls and the academic and business calendar of potential participants.

Time to Grant

The average time to grant shall be six months from the date of the negotiation offer. The cumulative time taken by the Commission to complete their internal process including preparation of all relevant information and documentation, evaluation and signature of grant agreements shall be no more than 60 working days. Participants shall be given no less than 60 working days cumulatively to prepare all relevant information and documentation required.

Where appropriate to the nature of any specific call, due consideration should be given to a two stage evaluation procedure in order to reduce the costs of preparing proposals which are unsuccessful. For two stage procedures the average time to grant shall be nine months. There should be consistency in the format of the outline of proposals where a two stage process is used and applicants must have sufficient time to prepare stage two of the bid.

The Commission shall endeavour to make decisions or requests for information as promptly as reasonably practical. The Commission shall avoid obliging participants to re-draft or re-negotiate parts of an initial successful bid, unless

there is a reasonable and justified reason for doing so.

Participants shall be given reasonable amounts of time to prepare information and documentation required for projects.

When designing the application documents and setting time limits, the Commission shall be sensitive to the fact that SMEs and university academics in particular typically have little, if any, specific capacity to deal with the preparation of administrative documents. Repetitive elements of the application, grant agreement or supporting documents should be avoided. The Commission shall refrain from asking participants for information which is already available within the administration, unless it needs to be updated. In this respect, the Commission shall apply the "only once" principle whereby information submitted once to the administration should not be asked for again by another service of the administration i.e. enterprises should not be obliged to provide information all over again that authorities have already received by another route.

The Commission shall seek, where possible, to avoid timing calls such that they will require potential participants to submit documentation during standard academic and business vacation periods.

The Commission shall aim to limit the time it takes to prepare the necessary paperwork once a grant agreement has been made to 15 working days.

In appropriate cases, such as for SMEs, the Commission may usefully be allowed to waive the obligation for participants to submit part or all of the documentary evidence required if such evidence has already been submitted to them recently for another procedure and provided the relevant documents were issued within a fixed reasonable time period and are still valid. In such cases, the participant

concerned could be invited to declare on his honour that the documentary evidence has already been provided in a previous procedure - to be specified - and to confirm that there has been no change in the situation.

The Commission shall not be allowed to request participants to provide facts or data which the Commission can verify easily and free of charge in an authenticated, electronically accessible database (e.g. company data).

The Commission shall not set targets on the level of subscription for individual calls.

Time to Pay

Participants who have delivered the work which they were contracted to do, should be paid in a timely fashion.

The Commission shall ensure that participants receive money owed to them within 30 days of the necessary paperwork being submitted to the Commission. The Commission shall notify the Project Coordinator and participants of any irregularities or additional paperwork within 2 weeks of information being submitted to the Commission. If no such notification is received the Commission shall be liable to the pay amounts owed.

The Commission shall put in place measures to ensure that Project Coordinators distribute project money promptly as well as fairly and proportionally in accordance with the grant agreement and that money is shared among partners in proportion to what is owed to each partner. Unless agreed between all participants, Project Coordinators shall not withhold or phase pre-financing payments without the approval of the Project Officer, in particular for SMEs. Such arrangements should be made clear in consortium agreements and have the approval of the

Project Officer.

Once a payment has been made to the Project Coordinator, the Commission shall notify the participants of the amount that has been paid and the date on which the payment was made.

If one or more partner(s) have not completed the work they have been contracted to do or they have not submitted the required information or documentation to the project Coordinator or the Commission, it shall not prevent the Project Coordinator from submitting documentation to the Commission on behalf of other partner(s) or the Commission from issuing payment to other partner(s).

In cases where new partners enter into a project after the grant agreement has been negotiated, this shall not alter the amount of funding allocated to the original partners unless agreed by the original partners or unless the amount of work required by them will be significantly different.

The Commission shall implement a hierarchical auditing process where they will ensure the beneficiaries' auditors are to an approved standard and comply to the auditing requirements of Horizon 2020. This will avoid the need for multiple audits, making the administrative process clearer and easier for participants. The Commission shall refrain from asking for extra information once an audit has already been submitted.

The EU will be required to report on its payment performance by producing bi-annual statistics that present payment times for completed work pieces. Payment times shall be defined as the time from final sign-off of the completed project by both the Project Coordinator and Project Officer (this time period itself to be no longer than 1 month from project completion date) to the availability of

cleared funds in the participant's bank account.

At the request of the Participant, grant agreements shall respect the academic and business calendar. For example, this will especially apply to projects which need to recruit PhD students and who are not likely to be available during the middle of the academic calendar.

Redress

The Commission shall set up a formal complaints procedure for participants, which may include appointing an ombudsman specifically dedicated to research and innovation projects under Horizon 2020. The Commission shall ensure that participants are aware of all complaints/redress procedures available to them by publishing details of the redress/complaints procedures on all correspondence with participants or applicants. The procedure shall be transparent and the results and decision-making process shall be made available to participants.

Participants shall be allowed to register complaints concerning any area of their involvement in Horizon 2020. The complaints procedure shall not be limited to procedural aspects of the evaluation of proposals.

The Commission shall respond to complaints within 30 days of receiving them with a preliminary decision.

In line with Directive 2008/52/EC and European Parliament resolution of 13 September 2011 on the implementation of the directive on mediation in the Member States, its impact on mediation and its take-up by the courts (2011/2026(INI)), when a complaint cannot satisfactorily be solved through the Commission's internal formal complaint handling procedure (the ombudsman or equivalent body), the European Commission and the

participants may agree to attempt to resolve the dispute through a mediation process in accordance with the rules of a Mediation Centre procedure. The Mediation Centre shall be agreed beforehand by the Commission and the participant(s) or with a list of mediation centres accepted by the Commission.

The Commission shall set aside 0.5% of the Horizon 2020 budget for projects which are initially unsuccessful and which, following the redress procedure, are positively evaluated.

Communications

The ethics approval process shall be transparent to participants and to applicants, especially when this process is the source of a delay in the initiation of projects. Information that has already been submitted in the bid should not need to be re-drafted for the ethical approval. Where possible, the Commission shall use all the information that has already been submitted by the applicant(s) in the bid in order to make its approval and shall only ask for additional information where it can prove that this information is absolutely necessary.

Participants shall be able to communicate directly with Project Officers in cases where they have repeated concerns regarding the management of a project or the actions of the Project Coordinator. If the Project Officer is absent, he/she shall ensure that participants have the contact details for his/her deputy, who should be able to make decisions in the Project Officer's absence. Contact details for the relevant Commission officials must be made available and made known to participants.

At the request of participants, and to enable them to prepare for future bids, the Commission shall give feedback to applicants on unsuccessful bids including the strengths and weaknesses as

*considered by the independent experts
referred to in Article 37 of the Rules for
Participation and Dissemination.*

Or. en